SECOND REPORT

OF THE

ROYAL COMMISSION

ON

LOCAL GOVERNMENT.

Presented by the Secretary of State for the Home Department to Parliament by Command of His Majesty

October, 1928

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NOTE.

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ROYAL COMMISSION ON LOCAL GOVERNMENT.

(Appointed by Royal Warrant dated the 14th February, 1923.)

TERMS OF REFERENCE OF SECOND PART OF INQUIRY.

(As extended by Royal Warrant dated 4th August, 1926.)

To investigate the relations between the Councils of Counties, County Boroughs, Non-County Boroughs, Urban Districts, Rural Districts and Parishes, and Parish Meetings; and generally to make recommendations as to their constitution, areas and functions.

MEMBERSHIP OF COMMISSION.

THE RIGHT HON. THE EARL OF ONSLOW, O.B.E., *Chairman.*
THE RIGHT HON. LORD STRACHIE.
LIEUT.-GEN. SIR GEORGE MACDONOGH, G.B.E., K.C.B., K.C.M.G
SIR WILLIAM MIDDLEBROOK.
SIR LEWIS BEARD.
SIR WALTER R. BUCHANAN RIDDELL, BART.
MR. HARRY G. PRITCHARD.
SIR EDMUND R. TURTON, BART., M.P.
LIEUT.-COL. SIR SEYMOUR WILLIAMS, K.B.E.
MR. SAMUEL TAYLOR.*
MR. JOHN BOND, O.B.E.†
MR. H. C. NORMAN, C.B., C.S.I., C.B.E.‡

MR. P. BARTER, (*Secretary*).§
MR. J. A. LAWTHER, M.B.E. (*Assistant Secretary*).

* Appointed by Royal Warrant dated the 5th March, 1925, in place of the late Sir W. Ryland Adkins, K.C.
† Appointed by Royal Warrant dated the 7th June, 1926, in place of the late Sir Walter Nicholas.
‡ Appointed by Royal Warrant dated the 19th October, 1926, in place of the late Hon. Sir Arthur Myers.
§ Appointed 1st April, 1928, in place of Mr. Michael Heseltine, C.B.

MR. E. HONORATUS LLOYD, K.C., resigned from the Commission in March, 1928.

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In this Report, references in footnotes to Memoranda of Evidence submitted to the Commission by witnesses, and to Questions answered by them, are made in the following form:

M. followed by a number: Memorandum of Evidence and paragraph.

Q. followed by a number: Question.

The figures in brackets following the reference show the Part of the Minutes of Evidence taken before the Commission and published, and the page, at which the passage referred to will be found.

THE ROYAL COMMISSION.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to

Our Right Trusty and Right Well-beloved Cousin Richard William Alan, Earl of Onslow;

Our Right Trusty and Well-beloved Counsellor Edward, Baron Strachie; and

Our Trusty and Well-beloved:—

Sir George Mark Watson Macdonogh, Knight Commander of Our Most Honourable Order of the Bath, Knight Commander of Our Most Distinguished Order of Saint Michael and Saint George, Lieutenant-General of Our Forces;

Sir William Ryland Dent Adkins, Knight, one of Our Counsel learned in the Law;

Sir William Middlebrook, Knight;

Sir Lewis Beard, Knight;

Sir Walter Powell Nicholas, Knight;

Walter Robert Buchanan Riddell, Esquire, Master of Arts;

Edward Honoratus Lloyd, Esquire, one of Our Counsel learned in the Law;

Arthur Mielzener Myers, Esquire (the Honourable Arthur Myers) sometime a Member of the Supreme Council of the Dominion of New Zealand;

Harry Goring Pritchard, Esquire;

Edmund Russborough Turton, Esquire; and

John Lloyd Vaughan Seymour Williams, Esquire, upon whom We have conferred the Territorial Decoration, Lieutenant-Colonel, late Royal Engineers, Territorial Army,

Greeting!

Whereas We have deemed it expedient that a Commission should forthwith issue to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and

do by these Presents authorize and appoint you, the said Richard William Alan, Earl of Onslow (Chairman); Edward, Baron Strachie; Sir George Mark Watson Macdonogh; Sir William Ryland Dent Adkins; Sir William Middlebrook; Sir Lewis Beard; Sir Walter Powell Nicholas; Walter Robert Buchanan Riddell; Edward Honoratus Lloyd; Arthur Mielzener Myers; Harry Goring Pritchard; Edmund Russborough Turton and John Lloyd Vaughan Seymour Williams to be Our Commissioners for the purpose of the said inquiry.

And for the better effecting the purpose of this Our Commission, We do by these Presents give and grant unto you, or any five or more of you, full power to call before you such persons as you shall judge likely to afford you any information upon the subject of this Our Commission; to call for information in writing; and also to call for, have access to and examine all such books, documents, registers and records as may afford you the fullest information on the subject, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

And We do by these Presents authorize and empower you, or any one or more of you, to visit and personally inspect such places as you may deem it expedient so to inspect for the more effectual carrying out of the purposes aforesaid.

And We do by these Presents will and ordain that this Our Commission shall continue in full force and virtue, and that you, Our said Commissioners, or any five or more of you, may from time to time proceed in the execution thereof, and of every matter and thing therein contained, although the same be not continued from time to time by adjournment.

And We do further ordain that you, or any five or more of you, have liberty to report your proceedings under this Our Commission from time to time, if you shall judge it expedient so to do.

And Our further will and pleasure is that you do, with as little delay as possible, report to Us under your hands and seals, or under the hands and seals of any five or more of you, your opinion upon the matters herein submitted for your consideration.

Given at Our Court at *Saint James's*, the fourteenth day of February, one thousand nine hundred and twenty-three, in the Thirteenth Year of Our Reign.

By His Majesty's Command,

W. C. Bridgeman.

Royal Commission
on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to Our Trusty and Well-beloved Samuel Taylor, Esquire, Barrister at Law,

Greeting!

Whereas We did by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three appoint Commissioners to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions.

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir William Ryland Dent Adkins, Knight, one of Our Counsel learned in the Law:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said Samuel Taylor to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir William Ryland Dent Adkins, deceased.

Given at Our Court at *Saint James's*, the fifth day of March, 1925, in the Fifteenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

Samuel Taylor, Esquire.
To be a member of the Royal Commission on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to Our Trusty and Well-beloved John Bond, Esquire, Clerk to the Urban District Council of Kettering,

Greeting!

Whereas We did by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three appoint Commissioners to inquire as

to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions.

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir Walter Powell Nicholas, Knight:

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said John Bond to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir Walter Powell Nicholas, deceased.

Given at Our Court at *Saint James's*, the seventh day of June, 1926, in the Seventeenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

John Bond, Esquire.

To be a member of the Royal Commission on Local Government.

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, to all to whom these Presents shall come,

Greeting!

Whereas by Warrant under Our Royal Sign Manual bearing date the fourteenth day of February, one thousand nine hundred and twenty-three We were pleased to appoint Commissioners to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally make recommendations as to their constitution, areas and functions:

thousand nine hundred and twenty-six extend the terms of reference to Our said Commissioners so that their investigations with regard to the relations between the Councils of Counties, County Boroughs, Non-County Boroughs, Urban Districts and Rural Districts may extend also to the Councils of Parishes and Parish Meetings and that they may be authorized to make recommendations as to the constitution, areas and functions of such Councils of Parishes and of Parish Meetings;

And whereas a vacancy has been caused in the body of Commissioners appointed as aforesaid, by the death of Sir Arthur Mielzener Myers, Knight (the Honourable Sir Arthur Mielzener Myers):

Now know ye that We, reposing great trust and confidence in your knowledge and ability, have authorized and appointed, and do by these Presents authorize and appoint you the said Herman Cameron Norman to be one of Our Commissioners for the purposes aforesaid in the room of the said Sir Arthur Mielzener Myers, deceased.

Given at Our Court at *Sandringham*, the Nineteenth day of October, 1926, in the Seventeenth Year of Our Reign.

By His Majesty's Command,

W. Joynson-Hicks.

Herman Cameron Norman, Esquire, C.B., C.S.I., C.B.E.
To be a member of the Royal
Commission on Local Government.

ROYAL COMMISSION ON LOCAL GOVERNMENT.

SECOND REPORT.

To the King's Most Excellent Majesty.

May it please Your Majesty,

1. We, the Commissioners appointed under Your Majesty's Royal Warrant of the 14th February, 1923,

> "to inquire as to the existing law and procedure relating to the extensions of County Boroughs and the creation of new County Boroughs in England and Wales, and the effect of such extensions or creations on the administration of the Councils of Counties and of Non-County Boroughs, Urban Districts and Rural Districts; to investigate the relations between these several Local Authorities; and generally to make recommendations as to their constitution, areas and functions,"

which terms of reference were enlarged under Your Majesty's Royal Warrant of the 4th August, 1926, so that our investigations regarding the relations between Local Authorities might extend also to Councils of Parishes and Parish Meetings, and that we might be authorized to make recommendations as to the constitution, areas and functions of such Councils of Parishes and of Parish Meetings, humbly beg leave to report as follows:—

INTRODUCTORY.

Order in which the Terms of Reference are dealt with.

2. As explained in paragraph 4 of our First Report, our terms of reference fall into two parts. The first, relating to the constitution and extension of County Boroughs, has been dealt with in that Report; and effect has been given to our main recommendations therein by the passing of the Local Government (County Boroughs and Adjustments) Act, 1926.

We now proceed to consider certain questions arising under the second part of our terms of reference, which deals with the relations between Local Authorities, and their constitution, areas and functions generally.

Membership and Staff of the Commission.

3. We regret to have to record that since the issue of our First Report we have lost two of our colleagues by death, and that a third has found it necessary under medical advice to resign from the Commission.

Sir Walter Nicholas, who took part in the discussions leading up to the settlement of our First Report under a grave handicap of ill health, signed the Report but did not live to see it carried into effect by the legislation of 1926. His death on the 10th April, 1926, deprived us of his special knowledge of the position and problems of Urban District Councils, and of his sagacity in viewing those problems, on which we had confidently relied for assistance in arriving at conclusions on the second part of our inquiry; and we desire to place on record our appreciation of the valuable services which he rendered not only as our colleague, but also over a period of many years to the cause of good government in the widest sense.

We have also to deplore the death on the 9th October, 1926, of the Hon. Sir Arthur Myers, who had greatly assisted our deliberations from the experience acquired by him in important Ministerial posts in Your Majesty's Dominion of New Zealand.

Of our colleague, Mr. E. Honoratus Lloyd, K.C., who resigned from the Commission on the 14th March, 1928, under medical advice, it is sufficient for us to say that he brought into our counsels at all times an unrivalled knowledge of legislative proceedings and legislation on local government questions, and a judicial habit of mind, to which we turned freely, and always to our advantage, for guidance in difficulty. Our work cannot but suffer by reason of his absence.

4. Mr. John Bond, O.B.E., and Mr. H. C. Norman, C.B., C.S.I., C.B.E., were appointed by Your Majesty's Royal Warrants of the 7th June, 1926, and the 19th October, 1926, to fill the vacancies created by the deaths of Sir Walter Nicholas and of Sir Arthur Myers.

5. In April, 1928, a change in Departmental duties necessitated, to our great regret, the resignation of Mr. Michael Heseltine, C.B., who had been the Secretary of the Commission since our appointment. We have already paid tribute in our First Report (paragraph 1287) to the invaluable help which he gave us in that part of our task. His exceptional ability, experience and judgement were of the utmost assistance to us in embarking on the second part of our inquiry; and we desire to express to Your Majesty our deep appreciation of the service which Mr. Heseltine has rendered both to Your Commissioners and to the interests of local government. Mr. P. Barter, of the Ministry of Health, was appointed to succeed Mr. Heseltine.

Scope of the Inquiry.

Extension of the Terms of Reference.

6. Originally, our terms of reference, as explained in paragraph 10 of our First Report, did not include Parish Meetings and Parish Councils. But on the 4th August, 1926, Your

Majesty's Royal Warrant brought Parish Meetings and Parish Councils within the scope of the second part of our inquiry.

Local Authorities covered by the Terms of Reference.

7. The numbers of the Local Authorities covered by our terms of reference, excluding those within the Administrative County of London, were, on the 1st April, 1927, as follows :—

	Parish Meetings	5,646*	
	Parish Councils	7,166*	
Councils of County Districts.	Rural District Councils ...	646†	1,686
	Urban District Councils ...	785	
	Councils of Non-County Boroughs	255	
	County Councils (including the Council of the Isles of Scilly	62	
	Councils of County Boroughs	83	

PROCEDURE OF THE COMMISSION.

8. Our First Report having been presented in August, 1925, we proposed to give the various authorities concerned time to consider the evidence which they might wish to tender in regard to the issues raised in the second part of our terms of reference; and it was our intention to proceed with our inquiry in February, 1926. But the publication early in December by Your Majesty's Government of their provisional proposals for the reform of the Poor Law rendered this course impracticable. Those proposals, and the discussions arising thereon between the Minister of Health and representatives of the Local Authorities concerned, covered part of the subject matter within our terms of reference. We therefore found it necessary temporarily to suspend our investigations in order to give further time for the elucidation of the proposals, and to avoid a duplication of inquiries into questions arising both under our terms of reference and under those proposals.

After consultation with the Minister of Health in June, 1926, we concluded that there were certain specific lines of inquiry which we could usefully pursue while awaiting the time when the Ministry of Health and other Departments would be

* Approximate numbers.

† In addition, there were nine Rural Districts whose affairs were administered by the Councils or other Rural Districts, and there were three areas for which no Rural District Councils were elected.

able to submit evidence on the main issues raised in the second part of our terms of reference.

9. We accordingly arranged to resume our meetings, and in October we heard evidence from representatives of Government Departments and Local Authorities in Scotland, in order to acquaint ourselves with the details of the local government system of Scotland. We also took evidence from representatives of the Ministry of Health in regard to the effect of the Rating and Valuation Act, 1925; and from representatives of the Board of Trade, supplementing the evidence which had been given on behalf of that Department during the first part of our inquiry. This occupied us until the end of the year. In March, 1927, we heard representatives of the National Association of Local Government Officers on the present position of officers in the local government service.

10. In June, 1927, the Ministry of Health and other Departments were in a position to submit evidence on the main issues raised in the second part of our terms of reference. We first heard the Secretary of the Ministry of Health, whose evidence at this stage was limited mainly to statements of fact regarding the existing system of local government in this country, and an outline of the principal questions which seemed to call for our consideration. This was followed by evidence from representatives of the Home Office and the Ministry of Agriculture and Fisheries. We also received written evidence from the Ministry of Transport and the Board of Education.

11. In the autumn of 1927, we were able to begin hearing representatives of Associations of Local Authorities whose evidence it had been arranged to hear after that submitted by Government Departments. These Associations appeared before us in the following order :—

Rural District Councils Association,
County Councils Association,
Association of Municipal Corporations, and
Urban District Councils Association.

12. This occupied us until the end of April, 1928. We then began the hearing of witnesses other than representatives of Associations, and on the 11th May, Mr. G. H. Pattinson, Vice-Chairman of the Westmorland County Council, and Mr. E. D. Simon, a former Lord Mayor of Manchester, gave evidence. There were other witnesses whom we contemplated calling, and it was our intention also to afford the representatives of each of the Associations of Local Authorities an opportunity of again appearing before us in order to comment on the evidence which had been tendered, but we regret that circumstances prevented

our following this procedure. We proposed to conclude the hearing of evidence by recalling representatives of the Ministry of Health in order to hear their observations and suggestions in the light of the evidence already given.

13. At this stage, our deliberations were again affected, and our procedure modified, by proposals of Your Majesty's Government relating to matters within our terms of reference. The Chancellor of the Exchequer, in introducing the Budget on the 24th April, announced the intention of Your Majesty's Government to introduce a Local Government Bill in November of the present year. It was apparent that the proposed measure would afford an opportunity of dealing with several matters within the scope of our inquiry. We therefore consulted the Minister of Health, who indicated to us certain specific questions on which we had already heard a considerable body of evidence, and on which it seemed desirable that our conclusions should be known before the introduction of the proposed Local Government Bill. These questions related to the reorganization of areas, measures to assist or to stimulate Authorities unable or unwilling to function, the distribution of functions, and the appointment of whole-time Medical Officers of Health.

We accordingly decided to concentrate for the time being on those questions. This change of programme necessitated our suspending the hearing of witnesses, with the exception of representatives of the Ministry of Health and Ministry of Transport, who attended on the 12th and the 26th June respectively to give evidence more particularly upon the questions indicated above.

14. We sat on 22 days to hear evidence. A list of witnesses is given in the Appendices to this Report.

We are under a great obligation to the witnesses who have assisted us in this part of our inquiry. The published Minutes of Evidence bear testimony to the ability and care bestowed upon the preparation of the memoranda which the witnesses furnished, and these documents were of the greatest help to us in envisaging the complicated problems with which we were confronted. In their oral evidence, the witnesses showed a desire to assist our deliberations, and, in dealing with issues often acutely controversial, a broadmindedness which greatly facilitated our inquiry. We have also had the advantage of considering memoranda which have not been the subject of oral evidence and do not appear in the published Minutes of Evidence, but have none the less contributed to the solution of the questions before us. We desire to express our deep appreciation of the services rendered by all who have assisted us with oral or written evidence.

Scope of this Report.

15. As indicated above, the present Report is concerned only with a limited nnmber of questions within the second part of our terms of reference.

Part I of the Report deals with these points in the following order :—

Chapter I.—Reorganization of Areas.

Chapter II.—Extension of the Local Area of Charge for certain Services.

Chapter III.—Revision of Powers of Stimulus and Default Powers.

Chapter IV.—Accelerated Progress towards Whole-Time Appointments of Medical Officers of Health.

Chapter V.—Distribution of Functions between Local Authorities.

Part II is a Summary of our Conclusions and Recommendations.

16. It is our hope at a later date to hear further evidence and to resume the consideration of other matters within our terms of reference, which will form the subject of a further and Final Report.

PART I.

CHAPTER I.—REORGANIZATION OF AREAS.

Section I.—Evidence on behalf of the Minister of Health.

17. The memorandum of evidence submitted by Sir Arthur Robinson on behalf of the Minister of Health* contains comprehensive statistics relating to the number, size and financial resources of existing Local Authorities. We propose to refer briefly to some of the figures which are relevant to a discussion of the efficient working of the present system of local government.

18. On the 1st April, 1927, there were 1,698 County Districts in England and Wales, made up as follows† :—

Rural Districts	658
Urban Districts	785
Non-County Boroughs	255

* See Minutes of Evidence, Part IX, page 1702.
† Robinson, M. 9 (IX, 1705).

As the result of the circumstances in which Non-County Boroughs, Urban Districts and Rural Districts have been constituted during the last 60 years, there are wide variations in the size and financial resources of the Authorities within the three groups.

19. The following table, derived from the figures given in the memorandum of the Minister of Health,* shows the distribution of population according to the Census of 1921 between the 1,698 County Districts as constituted on the 1st April, 1927 :—

—	Non-County Boroughs.	Urban Districts.	Rural Districts.
Total Number of County Districts.	255	785	658
Districts with Populations of—			
Under 1000	1	16	10
Between 1,000 and 2,000 ...	13	63	17
„ 2,000 and 3,000 ...	19	72	29
„ 3,000 and 4,000 ...	20	74	28
„ 4,000 and 5,000 ...	13	77	42
5,000 or less	66	302	126
Between 5,000 and 10,000 ...	40	222	216
„ 10,000 and 20,000 ...	53	178	229
20,000 or less	159	702	571
Between 20,000 and 30,000 ...	33	45	67
„ 30,000 and 50,000 ...	50	28	15
„ 50,000 and 100,000 ...	12	6	5
Over 100,000	1	4	—
Over 20,000	96	83	87

20. The number of Authorities with very small populations is considerable. In the case of Urban Authorities this may be

* Robinson, M. 52-3 (IX, 1715).

traced partly to the fact that in the years 1862 and 1863 the inhabitants of a large number of quite small places (some with a population of less than 100 persons) adopted the urban form of local government under the provisions of the Local Government Act, 1858, in order to avoid the inclusion of their parishes in Highway Districts formed under the Highway Act of 1862.* Figures have been put before us to show how far in one large County, the West Riding of Yorkshire, local administration has still to be conducted within urban areas originally delimited in 1862-3, from which it appears that of the 22 Urban Districts in the County originally formed in those two years, 14 had populations in 1921 of less than 5,000, and, further, that of these 14, three had populations of less than 1,000, and six had populations of between 1,000 and 2,000.†

21. Between the passing of the Local Government Act, 1888, and the 1st April, 1927, 270 Urban Districts have been formed, in 183 of which the populations according to the last Census before formation were under 5,000.‡ Between the same dates, 118 Rural Districts have been formed, of which 71 had less than 5,000 population. It is, however, to be noted that in some of these cases the creation of a small Rural District resulted from the subdivision of an existing District in compliance with the requirements of the Local Government Act, 1894, which were designed to ensure that the whole of each Rural District should be within one Administrative County.§

We should perhaps observe that in our opinion the bearing of population on the problem of local government in Rural Districts necessarily differs from that in Urban Districts.

22. It will be seen from the figures presented on behalf of the Minister of Health that the financial capacity of many small areas is restricted. There were, on the 1st April, 1927, 494 County Districts (66 Boroughs, 302 Urban Districts, and 126 Rural Districts) with 5,000 or less population. Of these 494 Districts there were 430 (65 Boroughs, 264 Urban Districts, and 101 Rural Districts) where a 1d. rate produced less than £100||.

23. It is clear that there are wide variations in size and capacity among Authorities of identical types. This asymmetry of structure has been accompanied by a continuous expansion of the functions of Local Authorities. We have already set out

* Robinson, M. 16–7 (IX, 1707).
† Robinson, M. 18 (IX, 1707).
‡ Robinson, M. 19 (IX, 1707).
§ Robinson, M. 24–7 (IX, 1709).
|| Robinson, M. 56 (IX, 1716).

in our First Report (paragraphs 117-53) a statement of their powers and duties; and the list of functions assigned to District Councils since 1875 which is given in the memorandum of the Minister of Health* illustrates the rate at which the burden of responsibility has increased in recent years and shows the wide field of activity in which Local Authorities are now called upon to operate.

24. The Minister of Health brought to our notice a number of individual cases of County Districts where the report of the Medical Officer of Health of the District indicated that several of the Councils were under serious disabilities in discharging the functions assigned to them by Parliament with any reasonable measure of completeness.†

We did not consider that it was within our province to investigate these cases, but we understand that the reports made are in some instances not admitted by the Authorities concerned to give a correct view of the situation.‡

25. There has been no comprehensive reorganization by Parliament of the areas of local government within what are now Administrative Counties since the Public Health Act, 1872; and the question necessarily arises whether all the units at present in being are capable of meeting the demands of modern local government, having regard to the diversity and complexity of the services to be administered.

26. The Minister of Health represented to us that the existing numbers of Councils of County Districts might advantageously be reviewed§, and suggested for our consideration the principles on which any reorganization of the structure of local government should proceed. These may be summarized as follows :—

(i) That any proposal for change should be directed to encouraging the confidence of the inhabitants of any area in their representatives, and the extent of their active and effective interest, both in the election of representatives and the provision of local government services in their area;‖

(ii) That due regard should be paid to the history and prestige of the form of local government at present applied

* Robinson, M. 47 (IX, 1712-3).

† Robinson, M. 79-85 (IX, 1719-43).

‡ Urban District Councils Association (Postlethwaite, Abbott, and Dodds), M. 103-9 (XI, 2159), M. 110-1 (XI, 2160), M. 112-3 (XI, 2160), M. 114 (XI. 2162), M. 115-8 (XI, 2163), M. 120 (XI, 2164), M. 121 (XI, 2164), M. 122 (XI, 2164-5); (Holland), M.16-21 (XI, 2199-200): Rural District Councils Association, Appendix CXII, M. 100 (XI, 2220).

§ Robinson, M. 233 (IX, 1766).

‖ Robinson, M. 239 (IX, 1767).

to the areas affected, and to the sentiment with which it is looked upon by the inhabitants of those areas*; and

(iii) That, so far as the reasonable observance of the preceding principles allows, the areas of Local Authorities should be so delimited as to provide a form of local government under which all Local Authorities are not only willing to discharge, but capable of discharging, the functions assigned to them in such a manner as to secure the fullest possible return for the time and money spent on their work†.

27. It was suggested that a decision as to the necessity for such a review depended to some extent on a consideration of the following preliminary questions‡ :—

(*a*) Is not the last fifty years' progress in public health such as to justify the operations of all the existing Councils of County Districts?

(*b*) Are there not courses of action now in use, or easy to devise, which should secure the ends in view without raising the issue of the continuance in being of any of the existing Councils of County Districts?

(*c*) Is the procedure now in use, under which Councils of County Districts may go out of existence, adequate to secure the ends in view?

With regard to (*a*), the Minister of Health, without underestimating the great progress made in public health administration since 1875, pointed out that, in spite of such progress, there are still certain Authorities who are subject to serious disabilities in discharging the functions assigned to them.§ In regard to (*b*), it was suggested that the alternative courses, such as joint action, financial assistance from other Authorities, and extended resort to the exercise of the powers of stimulus and default, are only partial palliatives.‖ As regards (*c*), it was represented that the present procedure is not adequate, and in particular that it is insufficiently elastic.¶

28. On being recalled, after we had heard the evidence of Local Authorities, Sir Arthur Robinson felt that sufficient material had now been placed before us to justify the conclusion that a reorganization of areas was desirable,** and suggested a detailed

* Robinson, M. 240 (IX, 1767).
† Robinson, M. 241 (IX, 1767).
‡ Robinson, M. 249 (IX, 1769).
§ Robinson, M. 252 (IX, 1769).
‖ Robinson, M. 259–60 (IX, 1771), M. 271 (IX, 1772).
¶ Robinson, M. 284–97 (IX, 1775–6).
** Robinson, M. 425 (XII, 2226).

procedure* for a periodical general review of the areas of existing County Districts, and an amendment of section 57 of the Local Government Act, 1888, to facilitate alterations of boundaries that might be necessary in the intervals between the systematic reviews.

Section II.—Evidence on behalf of the Local Authorities.

(a) *The County Councils Association.*

29. The County Councils Association expressed their view as to the need for a reorganization of areas as follows† :—

> "The Association are satisfied, both from their own experience and from the information already submitted to the Royal Commission on behalf of the Minister of Health, that many Local Authorities (Non-County Boroughs, Urban Districts and Rural Districts) are financially incapable of discharging efficiently the functions which Parliament has imposed upon them, however desirous they may be of doing so, and also that, in some cases, the populations over whom jurisdiction is now exercised are much too small to justify the existence of separate Authorities, apart altogether from the question of the relative wealth or poverty of the area. The Association are therefore of opinion that some steps should be taken without delay to strengthen sanitary administration in this direction, while retaining the areas in question within the Administrative County."

They accordingly proposed that inefficient or redundant Authorities should be eliminated by amalgamation or absorption. The Association envisaged such a reorganization as an essential preliminary to any redistribution of functions.‡ Mr. Holland proposed in the course of his evidence§ that each County Council should prepare a scheme for the reorganization of Districts within the County, after consultation with Local Authorities concerned, and that the scheme should be submitted to the Minister of Health for confirmation. Time should be allowed for objections, and, if necessary, a Local Inquiry should be held by the Minister. Mr. Holland suggested that the decision of the Minister should be final, and he deprecated recourse to Parliament either by way of private Bill or Provisional Order. The existing right of Boroughs to go to Parliament when an alteration of the Borough

* Robinson, M. 426–40 (XII, 2226–7).

† Dent, Hinchliffe, and Holland, M. 68 (X, 1988).

‡ Dent, Hinchliffe, and Holland, Q. 31,949–50 (X, 1989).

§ Dent, Hinchliffe, and Holland, Q. 32,077–92 (X, 1996–7), Q. 32,238–93 (X, 2004–6), Q. 32,861–72 (X, 2034), Q. 32,873–908 (X, 2035–6).

boundary is proposed might be waived in the special procedure designed to effect the comprehensive review of all the Districts within the County; but should be retained in the case of alterations of Borough boundaries arising after the general reorganization.*

30. In regard to the desirability of amending section 57 of the Local Government Act, 1888, Mr. Holland expressed the personal opinion that provision might properly be made to enable District Councils to appeal to the Minister of Health against a refusal by a County Council to make an Order under the section.†

(b) *The Association of Municipal Corporations.*

31. The Association of Municipal Corporations appreciated the necessity for the reorganization of County Districts and considered that there are far too many Local Authorities, many of them having insufficient financial resources to perform their duties adequately‡. The Association attached great importance to the present procedure whereby the boundaries of a Borough can only be altered by a Provisional Order of the Minister of Health, confirmed by Parliament, or by Act of Parliament; but they recognized that any scheme for a general review of County Districts might not be complete if it did not deal with alterations of Non-County Boroughs. They therefore concurred generally in the procedure suggested by the County Councils Association, subject to the following conditions§ :—

(*a*) that the consultation with the Councils of County Districts should be a real consultation, and not merely the submission of a cut and dried scheme for acceptance or rejection;

(*b*) that the Councils of County Districts should be entitled to submit for the consideration of the Minister any alternatives affecting their Districts;

(*c*) that the Councils of County Boroughs should have an opportunity of considering the scheme and of having their views and proposals considered in reference to the areas adjoining or in the neighbourhood of their Boroughs;

(*d*) that, except in a case where the scheme is agreed, the Minister should hold a Local Inquiry before making an Order;

(*e*) that the procedure for altering Non-County Boroughs should apply only to the schemes which are in immediate contemplation, the existing procedure by Provisional Order being retained for any further alterations.

* Dent, Hinchliffe, and Holland, Q. 32,290–3 (X, 2006).
† Dent, Hinchliffe, and Holland, Q. 32,917–20 (X, 2037).
‡ Jarratt, M. 95 (XI, 2070).
§ Jarratt, M. 98 (XI, 2070).

32. In the course of his evidence, Mr. Jarratt agreed that there are some Non-County Boroughs with so small a rateable area that they cannot perform all their duties efficiently.* Mr. Darlow, also speaking on behalf of the Association of Municipal Corporations, agreed that a rearrangement of areas is desirable, but emphasized the view that a solution of all the difficulties of local government was not to be found in such a reorganization.†

(c) *The Urban District Councils Association.*

33. The Urban District Councils Association referred to the three preliminary questions which we have mentioned in paragraph 27 above; and submitted that the answers to the first two are in the affirmative.‡ In the course of his examination, Mr. Postlethwaite agreed substantially with the views of the Association of Municipal Corporations as expressed in Mr. Jarratt's memorandum§ with regard to the conditions which should apply to any general review of County Districts‖. Mr. Abbott, however, expressed some doubt whether there was a case for a review by every County Council in regard to the whole of the Administrative County.¶

The effect of the evidence of the witnesses on behalf of the Urban District Councils Association appeared to be that, if the necessity for a reorganization were held to be proved, they would not dissent from the procedure proposed by the County Councils Association, subject to the conditions proposed by the Association of Municipal Corporations.

34. The Urban District Councils Association were, however, anxious to safeguard the position of small Urban Districts, and to ensure that small Authorities now doing efficient work should not be eliminated merely because they are small or isolated.** This view was supported by evidence given by several witnesses representing small Urban Districts, who told us of the manner in which these Authorities discharged their functions. It appeared in the course of this evidence†† that some misapprehension had arisen from the fact that the memorandum submitted by the Minister of Health‡‡ had quoted a passage from the evidence given by the late Sir Robert Fox during the first part of our inquiry. Sir Robert had suggested tentatively that 10,000 population was the minimum for an efficient unit of local government; and from this it had been inferred that small

* Jarratt, Q. 33,335 (XI, 2071).
† Darlow, M. 22–3 (XI, 2090).
‡ Postlethwaite, Abbott, and Dodds, M. 123–6 (XI, 2165–6).
§ Association of Municipal Corporations (Jarratt), M. 95–8 (XI, 2070).
‖ Postlethwaite, Abbott, and Dodds, Q. 34,883–94 (XI, 2166).
¶ Postlethwaite, Abbott, and Dodds, Q. 34,894 (XI, 2166), Q. 34,903 (XI, 2167).
** Postlethwaite, Abbott, and Dodds, Q. 35,115 (XI, 2178).
†† Dawson, Q. 35,197–8 (XI, 2185); Q. 35,552*f* (XI, 2202).
‡‡ Ministry of Health (Robinson), M. 306 (IX, 1777–8).

units below a certain limit of population would be automatically eliminated under any scheme of reorganization. It was clear to us, however, that this was not the effect of the proposals submitted to us either by the Minister of Health or the County Councils Association.

(d) *The Rural District Councils Association.*

35. We heard evidence from Mr. Pindar, on behalf of the Rural District Councils Association, before the detailed proposals of the County Councils Association were submitted to us. Mr. Pindar referred to the creation of very small Rural Districts as a result of the Local Government Act, 1894, which was designed to prevent the boundaries of any Rural District extending beyond the boundaries of the Administrative County.* He also referred to the " erosion " which has taken place in Rural Districts, owing to the creation of Urban Districts and the extension of Boroughs† ; and in this connexion he pointed out that the number of small Urban Districts is partly due to the requirements of section 229 of the Public Health Act, 1875, that the cost of providing certain services, e.g., water supply and sewerage, must fall upon the Parish concerned, and to the desire of the inhabitants that in these circumstances they should have control of the administration of the services.‡

36. Mr. Pindar mentioned that there were 45 Rural Districts with a population of less than 3,000,§ and he suggested that some of these small Districts might be eliminated by amalgamation with an adjoining Rural District in the same County, and that in other cases some adjustment of County boundaries might be preferable.‖ Mr. Pindar assented to the suggestion that each County Council should make a general inquiry into the circumstances of their County, which should follow general rules and principles to be laid down by the Commission.¶ But in a further memorandum submitted after the County Councils Association had put their proposals before us, the Rural District Councils Association objected to the procedure outlined by the County Councils Association, on the ground that sufficient consideration would not be given to the views of the Rural District Councils concerned.** Reference was made in this connexion to the procedure adopted under the Rating and Valuation Act, 1925. We observe, however, from the evidence of the County Councils Association that they did not contemplate a reduction of the number of areas to the same extent as was

* Pindar, M. 49 (X, 1877).
† Pindar, M. 50 (X, 1877).
‡ Pindar, M. 41 (X, 1869), Q. 29,887–8 (X, 1871).
§ Pindar, M. 50 (X, 1877).
‖ Pindar, M. 51 (X, 1877).
¶ Pindar, Q. 30,063–7 (X, 1879).
** Appendix CXII, M. 104 (XI, 2221).

done in the case of Assessment Areas; and they indicated that any scheme for a reorganization of areas would proceed on entirely different lines.* This view was also taken by Sir Arthur Robinson.†

37. In his memorandum, Mr. Pindar referred to the difficulties which many Rural District Councils experience owing to the existence of very small Parishes within their areas. Many of these Parishes are not sufficiently large to be effective units of local government for any purpose, and in some cases the Parish Councils do not function at all. Mr. Pindar also referred to one Rural District where there was for many years a Parish with only four parochial electors, but this Parish was entitled to elect one member on the Rural District Council. He submitted that considerable advantage would result from the abolition of these very small Parishes, and suggested that they might either be amalgamated with an adjoining Parish, or grouped in such a manner as to form more reasonable units.‡ In the course of his evidence, Mr. Pindar proposed that County Councils should hold a general inquiry and should be empowered to give effect to any amalgamation or grouping of Parishes found to be desirable§.

38. We have not yet considered in detail the areas, constitution and functions of Parish Councils and Parish Meetings; but we think that provision for the review of Parish boundaries might with advantage be made in connexion with any general review of County Districts.

Section III.—Conclusions and Recommendations.

39. We are of opinion that the need for a general review of areas of County Districts and Parishes has been established. The representatives of the Local Authorities have not dissented from the view that there are at present Authorities who cannot efficiently discharge the functions entrusted to them, and that a review of areas should be undertaken in order to see how far ineffective units can be eliminated by reorganization.

40. Under the present law a Rural District Council can, and in many cases do, appoint Parochial Committees under section 202 of the Public Health Act, 1875, for the more urban parts of their District. If the suggested reorganization of areas results in the elimination of any small Urban District, some similar provision to give additional local powers deserves consideration.

* County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,238–44 (X, 2004).
† Ministry of Health (Robinson), Q. 36,460 (XII, 2288).
‡ Pindar, M. 43, 45–6 (X, 1872).
§ Pindar, Q. 29,941-3 (X, 1874), Q. 29,952–60 (X, 1874–5), Q. 29,973–4 (X, 1875).

41. In our First Report (paragraph 1189), when dealing with the subject of the constitution and extension of County Boroughs, we expressed the opinion that the governing consideration should be to secure the welfare of the populations affected and the best and most efficient method of providing for their local government. The same principle should be applied in the reorganization of County Districts; and it should also be borne in mind that efficient administration depends not only on area but also on there being assigned to each unit functions of such variety and importance as will ensure local interest, and secure as members of Local Authorities persons best fitted to render service.

42. There is a considerable measure of agreement as to the procedure by which the reorganization should be effected, subject to adequate safeguards, particularly with regard to effective consultation between the various Authorities concerned.

It appears to us that the proposals submitted on behalf of the Minister of Health* provide the basis of a satisfactory scheme for effecting a reorganization of areas; and, with certain modifications and additions, we have decided to recommend its adoption.

Our conclusions and recommendations in regard to the reorganization of areas are as follows :—

43. With a view to securing efficient units of administration the existing law and procedure, under which a reorganization of areas may be effected, should be modified :—

(i) By making provision for a general review of the existing County Districts and Parishes within a specified period after the date when Parliament passes the necessary legislation.

(ii) By making provision to facilitate further general reviews from time to time as they become necessary.

(iii) By amending the existing law as to alteration of particular County Districts and Parishes which may become desirable in the intervals between the reviews.

First General Review.

44. For the purposes of the first general review of County Districts and Parishes, the following procedure should apply :—

(*a*) It should be the duty of every County Council within a specified period to consider the circumstances of every District and Parish wholly or partly within the Administrative County in consultation with all the other Local Authorities concerned. In order to secure effective consultation the County Council should be required to hold conferences with the other Authorities. The County Council should then make such representations as they think

* Ministry of Health (Robinson), M. 429–40 (XII, 2226–7).

expedient to the Minister of Health, as respects any County District, whether a Borough or not, wholly or partly within the County, for alteration of the boundary; union with any other District; conversion of the whole or part of an Urban District into a Rural District or vice versa; transfer of the whole or part of a District from one District to another; formation of new County Districts; or alteration of the boundaries of Parishes.

(*b*) It should be the duty of the County Council, before making representations to the Minister, to consult the Councils of the County Boroughs within the geographical County; and the County Borough Councils should have opportunity of laying before the Minister their views on the proposals of the County Council.

(*c*) The Minister should be empowered, on the application of a County Council, to extend the time within which representations are to be made.

(*d*) If a County Council make no representation within the proper time, and the Minister is satisfied that there is a prima facie case for some reorganization of the County Districts or Parishes in the County concerned, the Minister should be empowered to cause such Local Inquiry to be made, and then to make such Order or Orders for a reorganization, as he may think right.

(*e*) The usual provisions as to inquiries and notices should be applied with necessary modifications to the proposed procedure.

(*f*) The Minister should allow a reasonable time for the submission to him of representations with respect to the County Council's proposals either by Local Authorities concerned (including Parish Councils and Parish Meetings) or by ratepayers in the area affected; and he should be empowered either to make or refuse to make an Order giving effect to the proposals; provided that if objection is made and maintained to the proposals submitted by the County Council, a Local Inquiry should be held, at which Local Authorities within the Administrative County or ratepayers might be heard. The Minister should also be empowered, after a Local Inquiry, to make such other Order as he may think right.

(*g*) We are of opinion that it is desirable that every Parish and every District should be wholly within the area of one Administrative County for all purposes. It should, therefore, be competent for two or more County Councils to make a representation to the Minister for an alteration of the County boundary; and the Minister should be empowered to make the necessary Order, after a Local Inquiry has been held.

(*h*) It should also be competent for a County Council and the Council of a County Borough to make a joint representation to the Minister for an alteration of the boundary between the County and the County Borough, and the Minister should be empowered to make the necessary Order, but no such Order should be made without the consent of the County and the County Borough Councils. Except as mentioned in this paragarph, no change should be made in the law or procedure relating to the alteration of County Borough boundaries.

(*j*) We have considered whether the Orders of the Minister should be subject to a requirement that they should lie on the Table of both Houses of Parliament and be liable to annulment if an Address is presented to Your Majesty within 21 days; but we have been unable to come to a unanimous conclusion upon this point.

(*k*) We suggest that the Local Government (Adjustments) Act, 1913, should apply to the general revision of County Districts in the same way as it applies to individual alterations of boundaries.

Further General Reviews.

45. For the purpose of facilitating further general reviews from time to time as they become necessary the following procedure should apply :—

(*a*) Assuming that the first general review has been completed, County Councils should undertake a further review of a general character (as opposed to piece-meal alterations of County Districts under section 57 of the Act of 1888) as often as, in their judgement, occasion arises; or, if notice is given to them by the Minister that they should do so. But such further review should not take place until at least ten years have passed since the last general review of areas within the Administrative County was completed. (While naming ten years as the minimum period, we are of opinion that frequent changes are detrimental to local administration and are therefore undesirable).

(*b*) If notice of objection to a representation made by a County Council is given and maintained by the Council of any Non-County Borough, any Order made by the Minister affecting the Borough should be provisional only, and should not have effect unless confirmed by Parliament.

(*c*) In other respects the procedure suggested for application to the first general review appears suitable for the purposes of other general reviews.

AMENDMENT OF SECTION 57 OF THE LOCAL GOVERNMENT ACT, 1888.

46. With regard to alterations of particular County Districts and Parishes which may become desirable in the intervals between the reviews, section 57 of the Local Government Act, 1888, should be amended as follows :—

(*a*) Power should be given to a County Council to proceed under the section as if a proposal or proposals affecting a District or Parish had been made.

(*b*) County District Councils, Parish Councils, and Parish Meetings should be empowered to appeal to the Minister against refusal by County Councils either to proceed to hold a Local Inquiry under the section or to grant an application.

(*c*) County Councils and the Minister should be empowered, at the appropriate stages of proceedings under the section, to modify any boundaries originally indicated in the proposals. Before any such modification is made, due notice should be given to any Authorities whose boundaries are affected by the proposal, in order that they may make any observations they desire.

(*d*) The Minister should be empowered, after causing Local Inquiries to be made, to refuse to confirm, or to modify, Orders submitted to him under the section, whether or not any petitions against the Orders have been presented and not withdrawn.

CHAPTER II.—EXTENSION OF THE LOCAL AREA OF CHARGE FOR CERTAIN SERVICES.

Section I.—Evidence on behalf of the Minister of Health.

47. In theory, a reorganization of areas, such as we have outlined in the previous Chapter, should result in the complete elimination of Local Authorities who were found incapable of adequately discharging their functions. But in the view of the Minister, this reorganization will, in practice, be subject to certain limitations in the extent of its operation* :—

(*a*) The geographical situation of some County Districts is such that amalgamation or merger would not result in any appreciable addition to their financial resources.

(*b*) In some cases, amalgamation or merger may be impracticable because the proposal meets with strong local opposition, or fails to pay due regard to history and sentiment.

* Robinson, M. 441-2 (XII 2231-2).

(*c*) There will be a number of Councils of County Districts on the margin of capacity to discharge their existing functions, who will present a problem of great difficulty to the authorities empowered to settle the reorganization; and it is probable that the balance will incline towards retaining existing Local Authorities in possibly doubtful cases.

(*d*) Although the reorganization may result in the elimination of all Councils of County Districts not fully competent to discharge their functions at the date of the general review, there may thereafter be a deterioration in capacity in some cases, owing to fluctuations in industry and population, new demands under subsequent legislation, and other causes which cannot be foreseen.

48. It is clear, therefore, that, however carefully planned and executed, any general review of areas such as we have recommended will in practice leave in existence a certain number of Local Authorities who, through lack of financial resources, are or may become incapable of providing the necessary public health services for the inhabitants of their area.*

49. It is, accordingly, necessary to consider what additional measures can be devised to assist such Authorities. One alternative submitted to us was assistance from Imperial Funds in the form of a special grant† : but we gathered from the evidence given on behalf of the Minister of Health that the possibility of securing an Exchequer grant would be remote.‡ The extension of the local area of charge appears to be the practical alternative; and in this connexion the Minister examined a proposal put before us by the County Councils Association that County Councils should be empowered to contribute at the expense of the ratepayers of the County to the cost in County Districts of certain public health services.§ The Minister defined the object of such an extension of the area of charge as being " to facilitate the provision of essential services in places where at present, for financial reasons, there is no prospect of their being provided."‖ It appears to be generally agreed that the essential services are water supply, sewerage and sewage disposal.

50. Under the existing law the cost of water supply and sewerage in a Rural District is primarily chargeable on the Parish; and the cost of sewage disposal may be made a charge on the Parish, if the Minister of Health issues a Special Expenses Order. It is, therefore, necessary to consider not

* Robinson, M. 443 (XII, 2232).
† Association of Municipal Corporations (Jarratt), M. 107 (XI, 2077–8).
‡ Robinson, M. 472 (XII, 2235).
§ County Councils Association (Dent, Hinchliffe, and Holland), M. 69 (X, 1988).
‖ Robinson, M. 446 (XII, 2232).

only whether the area of charge should be extended from the District to the County, but also whether, within Rural Districts, the area of charge for water supply and sewerage should be extended from the Parish to the District. The first issue to be determined is whether such an extension of the area of charge is equitable. The ratepayers of a Parish within a Rural District, or of a District within a County, who have already borne the expense of providing essential services for themselves might urge that, having discharged their liabilities in respect of their own area, they should not be called upon to coutribute to the expense of providing similar services for another Parish or District. The Minister pointed out that the solution of the problem may be affected by the current proposals of Your Majesty's Government in regard to block grants;* but, subject to that contingency and after reviewing the evidence before us, he suggested that in the case of Parishes or County Districts the ratepayers of which could not provide themselves at their sole expense with sanitary services which it is desirable (in their neighbours' interests as well as their own) that they should have, there are two alternative courses to be considered. The first is that nothing should be done to provide the services. The Minister found no support in the evidence for that view. In the absence of the possibility of an Exchequer grant, there remains the second alternative, i.e., that the financial burden, so far as the ratepayers of the Parish or District cannot reasonably be expected to bear it unaided, should be shared by the ratepayers of the County.†

51. The Minister therefore suggested that :—

(i) As regards Rural Districts, the cost of providing water supply and sewerage should be charged as general expenses upon the Rural District as a whole; the requirement of section 229 of the Public Health Act, 1875, that the cost of providing these services must fall on the Parish being repealed.‡

(ii) County Councils should be enabled to contribute, at the expense of the ratepayers of the Administrative County as a whole, to the cost of the exercise of public health functions by Councils of County Districts if it appears to a County Council that any such function ought to be exercised in any County District, but that its exercise would entail a financial burden which it would be unreasonable to expect the Council of the County District to incur unaided.§

* Robinson, M. 466 (XII, 2234).
† Robinson, M. 470–3 (XII, 2235).
‡ Robinson, M. 469 (XII, 2235).
§ Robinson, M. 474–6 (XII, 2235).

(iii) Rural District Councils should be empowered to make a contribution to the cost of the exercise of public health functions which would otherwise remain a charge on separate Parishes.*

Section II.—Evidence on behalf of the Local Authorities.

(a) *The County Councils Association.*

52. The County Councils Association suggested that in cases of Councils of County Districts who are capable of providing the smaller public health services but cannot well undertake such problems as those of water supply and sewage disposal, the County Council should be empowered to render financial assistance in cases where they are satisfied that inaction is due to financial disability and not to mere neglect of duty.† Subsequent passages in the memorandum emphasized the importance which the Association attached to this proposal in relation to the provision of schemes of water supply, and of sewerage and sewage disposal, where the County Council are satisfied, after due inquiry, that adequate provision cannot otherwise be made available and that danger to the health of the inhabitants is likely to arise.‡ The Association made it clear that they contemplated a contribution by County Councils of part of the expenses only, and that they did not propose that County Councils should bear the whole cost.

53. The Association were also of opinion that in Rural Districts the Parish should cease to be the primary area of charge for these services, and should be replaced by the Rural District.§ In the opiniou of the Association such an extension of the area of charge was a necessary condition of progress in the provision of essential services;‖ and would give effect to a principle already recoguized in other services, i.e., that the rates should not be payments for direct and personal benefits, but should be spread over the widest area in which there is a common interest in the provisiou of the services in question.¶

In this connexion, we discussed with the representatives of the County Councils Association a suggestion which we had previously examined with the Rural Districts Councils Association, i.e., that, instead of transferring the charge wholly from the Parish to the District, Rural District Councils should be empowered to contribute to the expenses incurred by the Parish.** Mr. Holland, recognizing that " it is very often necessary for us

* Robinson, **M. 477** (XII, 2235).
† Dent, Hinchliffe, and Holland, **M. 69** (X, 1988).
‡ Dent, Hinchliffe, and Holland, **M. 81** (X, 2008), **M. 84** (X, 2011).
§ Dent, Hinchliffe, and Holland, Q. 31,980 (X, 1991), Q. 32,006 (X, 1992).
‖ Dent, Hinchliffe, and Holland, Q. 31,984 (X, 1991).
¶ Dent, Hinchliffe, and Holland, Q. 32,042 (X, 1994).
** Rural District Councils Association (Pindar), **M. 69** (X, 1883–4).

to modify our counsels of perfection slightly," indicated his willingness to agree to such a proposal, in order to secure at least some advance on the present unsatisfactory position.*

54. In discussing generally the equity of extending the area of charge from Parishes to Rural Districts, and from Districts to Counties, the representatives of the County Councils Association admitted that, at preseut, Local Authorities are, in a considerable measure, financially independent of one another in providing essential sanitary services.† But they urged that assistance from the County rate is essential to assist the poorer areas in which necessary services will not otherwise be provided.‡ It was also admitted that, under such a scheme, some areas might pay twice over; though Mr. Holland did not think that complaints on this score would be serious.§ In this connexion, he pointed out that cases in which assistance would be required would be the limited number of Authorities who might remain incapable after a reorganizatiou of areas had been effected;‖ that the amount of money involved would not be large;¶ and that any fiuancial adjustments consequential upon the extension of the area of charge would not be difficult to make or burdensome in their results.**

55. We gathered that in the opinion of the Association it was necessary to adopt a wider interpretation of the commuuity of interest between Districts in the same County, or Parishes in the same Rural District, and abandon the doctrine that ratepayers ought to pay only for the services from which they receive direct benefit.†† The proposal that the County Council should contribute was in harmony with the policy recognized by Parliament in recent years, in application to other services, of extending areas of charge to Administrative Counties as a whole.‡‡

(b) *The Association of Municipal Corporations.*

56. The Association of Municipal Corporatious dissented from the proposal of the County Councils Association to contribute out of the County rate to the expenses incurred by Councils of County Districts in the provision of public health and other services. In their view, this would iuvolve an unfair burden upon those areas where the services have been provided without a County contribution, and they suggested that, where a County District Council are financially unable to provide public health

* Dent, Hinchliffe, and Holland, Q. 32,014 (X, 1992), Q. 32,156 (X, 2000).
† Dent, Hinchliffe, and Holland, Q. 32,128 (X, 1999), Q. 32.136 (X, 1999).
‡ Dent, Hinchliffe, and Holland, Q. 32,129 (X, 1999), Q. 32,137 (X, 1999)
§ Dent, Hinchliffe, and Holland, Q. 32,063 (X, 1995).
‖ Dent, Hinchliffe, and Holland, Q. 32,065–7 (X, 1995).
¶ Dent, Hinchliffe, and Holland, Q. 32,052 (X, 1994).
** Dent, Hinchliffe, and Holland, Q. 32,048–52 (X, 1994).
†† Dent, Hinchliffe, and Holland, Q. 32,064 (X, 1995).
‡‡ Dent, Hinchliffe, and Holland, Q. 32,042 (X, 1994), Q. 32,055–6 (X, 1995) Q. 32,106–14 (X, 1998).

services, the question of a grant from the Imperial Exchequer might be considered.* In the course of his evidence, Mr. Jarratt urged that if the burden of providing essential services in County Districts is to be borne by the County as a whole, then the expenses already incurred by the Districts who have provided their own services should be brought into account; so that, in assessing the amount of contribution to be paid towards the assistance of other Districts, the Authorities who have made due provision for their own areas should be given credit for the burden which they are already carrying.† This view was supported by Mr. Darlow, who also expressed the opinion that by admitting the principle of grants in aid from the County general rate, the sense of responsibility in District Councillors and the necessity for rigid adherence to the principles of economy would be weakened.‡

(c) *The Urban District Councils Association.*

57. Objection was also offered to the proposals by the Urban Districts Councils Association.§ The Association argued that a distinction could be drawn between services, such as education and main roads, which are charged on the County irrespective of the degree of benefit derived by a particular locality, and services "which directly benefit an individual, such as a supply of water, and services which directly affect a particular group of houses or a locality, such as a sewage disposal scheme."‖ The validity of this distinction, however, was not wholly maintained in the course of the oral examination of the witnesses.¶ The Association urged that "it is inexpedient, even in the event of a County Council being of opinion that danger to the health of the inhabitants is likely to arise, that they should be invested with power to contribute out of general County rates towards the provision of water supplies and sewage disposal work in particular areas."**

58. In the course of discussion as to what could be done to assist Authorities who are unable to provide essential services, Mr. Postlethwaite said that he was not prepared to commit the Urban District Councils Association to the suggestion that the ratepayers of Urban Districts who have already met their own needs should be required to contribute towards the needs of other people.†† We were referred to other proposals made by the Association for the relief of the situation, the most important of which appears to be in paragraph **113** of their memorandum,

* Jarratt, M. 107 (XI, 2077-8).
† Jarratt, Q. 33,511-6 (XI, 2078).
‡ Darlow, M. 69-72 (XI, 2101).
§ Postlethwaite, Abbott, and Dodds, M. 93-8 (XI, 2156).
‖ Postlethwaite, Abbott, and Dodds, M. 96 (XI, 2156).
¶ Postlethwaite, Abbott, and Dodds, Q. 34,747-52 (XI, 2157).
** Postlethwaite, Abbott, and Dodds, M. 97 (XI, 2156).
†† Postlethwaite, Abbott, and Dodds, Q. 34,722-37 (XI, 2156-7).

where the Association expressed the view that if loans for water supply were excluded from the present statutory limitation on borrowing powers, and the Minister of Health were empowered to sanction loans for sewerage in excess of the equivaleut of two years' assessable value, this would go a long way to remove the difficulties of some of the small Authorities.*

(d) *The Rural District Councils Association.*

59. The Rural District Councils Association attached importance to extending the area of charge, first, because the parochial incidence of charge accentuated the tendency of Parishes which became urban in character to sever themselves from the Rural District and become independent Urban Districts,† and secondly, because the parochial incidence of charge " is equivalent in financial effect to an enormous increase in the number of small Urban Districts, struggling with inadequate means to provide and maintain essential services."‡ The Association would not, however, go so far as to propose the abolition of the parochial charge; but thought it would be sufficient if the Rural District Council could be empowered to make grants in aid from their General Rate Fund.§

60. The Association raised uo objection to grants being made by the ratepayers of the County as a whole in addition to grants contributed by the District ratepayers.‖

Section III.—Conclusions and Recommendations.

61. The primary object of the reorganization of areas recommended by us, and indeed of all alterations of local government areas, being to improve their local administration, we are hopeful that the adoption of our proposals on this subject and of those in our First Report will result in the elimination to a large exteut of those Councils of County Districts who by themselves are not strong enough financially to perform the essential sanitary services, and that most parts of the country will be within the jurisdiction of Local Authorities who are able to discharge their duties without further financial assistance. Probably, however, some Councils of County Districts will remain who either are or will become financially incapable of carrying out essential services, particularly the provision of a proper water supply and a system of sewerage and sewage disposal, and in these cases the alternatives seem to be either to leave the areas without the essential services or to extend the local area of charge.

* Postlethwaite, Abbott, and Dodds, M. 113 (XI, 2160).
† Pindar, M. 41 (X, 1869).
‡ Pindar, M. 70 (X, 1884)
§ Pindar, M. 69 (X, 1883–4).
‖ Pindar, Q. 30,385 (X, 1893), Q. 30,387 (X, 1893).

62. We do not consider that the former alternative can properly be entertained. On the other hand, we appreciate the difficulties attending an extension of the area of charge. Parishes and Districts have for so long been financially independent of each other in making provision for sanitary services that the theory of a wider community of interest in this sphere may not readily gain acceptance. But some extension of the area of charge is, in our view, necessary if essential services are to be provided in areas where the Authority are financially unable to make such provision unaided. We feel, however, that the adoption of the proposals put before us should be subject to certain limitations and modifications.

63. As regards the proposal that in Rural Districts the cost of water supply and sewerage should be made a general District charge we were asked whether this would facilitate or hinder the provision of these services,* and we came to the conclusion that the total abolition of the parochial incidence of charge might in some instances result in accentuating the difficulties of securing a necessary service. In our view, therefore, it might prove inexpedient to make the cost of water supply and sewerage necessarily a general charge on the District.

We however concur in the view of the Minister of Health that it is desirable to encourage the design and execution on a sufficiently large scale of schemes for water supply and sewerage, and the recognition of a common interest in the provision of such services.

64. We accordingly recommend that section 229 of the Public Health Act, 1875, should be modified by a provision that the charges in respect of these services may fall upon the Rural District as a whole or upon part of a Rural District if the District Council so determine or the Minister makes an Order to that effect, and also that Rural District Councils should be empowered to contribute out of the general rate to the cost of the exercise of any functions which would otherwise remain a charge on separate Parishes.

65. We have not overlooked the fact that one result of adopting these recommendations will be that those classes of ratepayers who under the existing law are entitled to a partial exemption from a rate levied for special expenses will lose this benefit when the cost is made a charge over the whole District; but, having regard to the provisions of the Rating and Valuation Act, 1925, under which agricultural land and buildings are already given the same exemption, and to the "derating" proposals now put forward by Your Majesty's Government, we do not think that objection can be taken to our recommendations on this ground.

* Ministry of Health (Robinson), Q. 36,020 (XII, 2236), Q. 36,038 (XII, 2236–7).

66. As regards the proposal that County Councils should be empowered to contribute to the expenses incurred by Councils of County Districts, we recognize the strength of the arguments put forward by witnesses who objected to the proposal, and in our opinion it can only be justified in those cases where it is impossible to effect the improvement otherwise. We observe that the Minister of Health would prefer to see County Councils empowered to secure the proper discharge of " public health functions " without discrimination, and that he would leave it to the discretion of the County Council to make a contribution in the case of any service which they determined could most suitably be stimulated by financial assistance.* We have, however, come to the conclusion that the power of County Councils to contribute should be limited to certain essential services, and that any proposal to make a contribution should be subject to an appeal as indicated below.

67. We therefore recommend that County Councils should be empowered to contribute, at the expense of the ratepayers of the Administrative County as a whole, to the cost of the provision of water supply and sewerage (including sewage disposal) by Councils of County Districts, if it appears to a County Council that such provision ought to be made in any County District, but that it would entail a financial burden which it would be unreasonable to expect the Council of the County District to incur unaided: Provided that the Council of any County District should be empowered to represent to the Minister that an unreasonable burden would be imposed upon them by a proposal of the County Council to make a contribution to another District; and the Minister should be empowered to give such direction as he deems equitable.

68. In the course of our inquiry, we have had evidence upon other questions relating to water supply, such as the desirability of larger areas and Regional Committees; but we think it advisable to reserve for our Final Report any observations which we may have to make on those matters. The recommendations in this Report are therefore without prejudice to any such subsequent observations.

CHAPTER III.—REVISION OF POWERS OF STIMULUS AND DEFAULT POWERS.

Section I.—Evidence on behalf of the Minister of Health.

69. An extension of the local area of charge on the lines suggested in the last Chapter should mitigate the difficulties in the case of many Councils of County Districts who, even after a

* Ministry of Health (Robinson), M. 476 (XII, 2235).

reorganization of areas, are found to be unable, through the narrowness of their financial resources, to provide essential health services. But there may still remain Authorities who are unwilling to discharge the functions allotted to them; and though it may admittedly be difficult to distinguish between incapacity and unwillingness,* a reorganized system of local government ought to include provision whereby it may be possible to stimulate or, in the alternative, to supersede any Authority not discharging their functions with a reasonable measure of completeness.† The Minister, therefore, thought that due, but not more than due, importance should be attached to " a revision of the powers of stimulus, and in the last resort of action in default, which may be exerted by Local or Central Authorities in cases in which the Local Authorities primarily responsible are found to be, not unable, but at least up to a point unwilling, to discharge their functions properly."‡

70. The existing statutory provisions in this matter are to be found substantially in section 19 (2) of the Local Government Act, 1888, section 299 of the Public Health Act, 1875, and section 16 of the Local Government Act, 1894. For practical purposes, the most important provision is the first mentioned, under which a County Council may, if it appears to them from any report of a Medical Officer of Health for a County District that the Public Health Act, 1875, has not been properly put in force within the District to which the report relates, or that any other matter affecting the public health of the District requires to be remedied, cause a representation to be made to the Minister on the matter. The limitations which in practice attend the operation of section 299 of the Public Health Act, 1875, and section 16 of the Local Government Act, 1894, have been explained in our First Report (paragraphs 1131-9 and 1284-5). The above-mentioned provision of the Local Government Act, 1888, has also been found to be defective, and the Minister expressed the view, after careful consideration of these various provisions as a means of securing improvements in unsatisfactory sanitary conditions, that they are insufficient both separately and collectively, and that they should be reinforced by a provision under which it should rest normally with the County Council, in the first instance, to draw the attention of the Minister to the existence of such conditions.§

71. The Minister accordingly put before us a series of suggestions, based mainly on an amendment of section 19 (2) of the Local Government Act, 1888, which he had already discussed with representatives of the Local Authorities in connexion with

* Robinson, M. 266 (IX, 1772).
† Robinson, M. 323–7 (IX, 1783).
‡ Robinson, M. 421 (XII, 2225).
§ Robinson, M. 341 (IX, 1784).

the provisional proposals for the reform of the Poor Law. These suggestions may be briefly summarized as follows* :—

(i) The power of a County Council to make a representation to the Minister should not depend, as now, upon the perusal of a report from a District Medical Officer of Health, but should be expressed in general terms.

(ii) The Minister should in future be required by statute to consider the representation and empowered to hold a Local Inquiry.

(iii) If it were established after Local Inquiry that the Council of the County District were not administering the health service in question up to a standard which the Minister considered reasonable, and if no action satisfactory to the Minister were taken by the Council within a reasonable time, there should be statutory power for one or other of the following courses :—

(*a*) The Council of the County District might by agreement with the County Council, and with the approval of the Minister, relinquish to the County Council their responsibility for the service in question.

(*b*) The County Council might be empowered to do the necessary work, the Council of the County District being required to pay the cost as a debt to the County Council.

(*c*) The responsibility for the administration of the service might be transferred to the County Council by Order of the Minister.

(iv) This procedure should apply in respect only of duties laid upon Councils of County Districts and not of powers vested in them.

72. While advising that the present provisions in regard to powers of stimulus and default should be reinforced in the manner suggested, the Minister made a reservation that these powers should have only a subordinate place in the practical working of the system of local government, and suggested that they would rarely be needed if effect were given to the more important changes in the system by which (*a*) Councils of County Districts incapable of discharging their functions were eliminated, so far as practicable, by a scheme of reorganization of areas; (*b*) financial assistance were made available towards the provision of essential services in the case of County Districts otherwise incapable of providing them; and (*c*) close and amicable relations between County Councils and County District Councils were further developed by such means, for example, as their sharing the time of a Medical Officer of Health.†

* Robinson, M. 342–50 (IX, 1784–5).
† Robinson, M. 485 (XII, 2239).

Section II.—Evidence on behalf of the Local Authorities.

(a) *The County Councils Association.*

73. The County Councils Association expressed the conviction " that County supervision such as has been suggested by the Minister of Health is the least reorganization of the existing system calculated to bring it into conformity with modern conditions."* In the course of his evidence on behalf of the Association, Mr. Holland indicated their general concurrence in the suggestions put forward by the Minister, subject to the reservations made by the Association during the discussion on the proposals for Poor Law reform.† He also amplified the Association's proposals in regard to water supply and to sewerage and sewage disposal, by suggesting that County Councils might be empowered to step in and promote such schemes where they are satisfied, after due inquiry, that adequate provision cannot otherwise be made available, and that danger to the health of the inhabitants is likely to arise.‡

74. The evidence of the Association in regard to the powers of stimulus and default appeared to be in a measure conditioned by their proposals for a redistribution of functions, whereby many services now administered by Councils of County Districts would be vested primarily in County Councils, subject to a provision that the County Council should be required to delegate the administration of certain services to District Councils. In this connexion, Mr. Holland said, " I should like to say about supervision that it does not mean in any way what one would call fussy interference with the duties of the District Councils; it is only in regard to local services, and in extreme cases to call the attention of the Minister of Health to the difficulties which have arisen. That is so far as supervision with regard to the present services, or in regard to what are properly called local services, is concerned. With regard to services delegated by the County Councils, some different considerations come in. There are possibilities there of supervision of a different kind."§

(b) *The Association of Municipal Corporations.*

75. The Association of Municipal Corporations regarded as open to grave objection any proposal to confer upon County Councils a power to exercise a general supervision over County District Councils. But they indicated that they would not raise objection to the proposals of the Minister of Health in regard to the powers of stimulus and default powers.

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* Dent, Hinchliffe, and Holland, **M. 72** (X, 1988).
† Dent, Hinchliffe, and Holland, Q. 32,093–7 (X, 1997–8).
‡ Dent, Hinchliffe, and Holland, Q. 32,952–6 (X, 2038–9).
§ Dent, Hinchliffe, and Holland, Q. 32,093 (X, 1997).

They, however, attached importance to the limitation attending these powers as outlined in the revised proposals of the Minister of Health in connexion with Poor Law reform, i.e., that they should relate only to the discharge of duties laid on District Councils and should not extend to matters within the discretion of District Councils.*

(c) *The Urban District Councils Association.*

76. We gathered from the evidence of the representatives of the Urban District Councils Association that their attitude was substantially the same as that of the Association of Municipal Corporations. They related with satisfaction the circumstances in which the proposals of the Minister of Health in regard to powers of stimulus and default powers ultimately reached the form in which they were put before us; and, subject to the limitations therein contained, the Association appeared to be in agreement with those proposals.†

(d) *The Rural District Councils Association.*

77. The Rural District Councils Association appeared to have no difficulty in agreeing to the intervention of the County Council in cases where a Council of a County District are in default. Mr. Pindar in his memorandum said that "the true function of the County Council in local government is that of a supervising and co-ordinating Authority with few administrative duties, and those confined to such business as is better administered centrally than locally. There would be no objection, however, to the County Council retaining the power to act when the Local Authority is in default."‡

Section III.—Conclusions and Recommendations.

78. The proposals put before us on behalf of the Minister of Health in regard to powers of stimulus and default powers represented a scheme which resulted from his discussions with representatives of Local Authorities in connexion with Poor Law reform. These proposals appeared to be generally acceptable, and we are of opinion that they should be adopted. In making this recommendation, however, we endorse the reservations with which the Minister qualified the proposals, namely, that recourse to default procedure should have a subordinate place in the practical working of the system of local government.

* Jarratt, M. 93 (XI, 2060), Q. 33,296–319 (XI, 2068–70), M. 99–100 (XI, 2074), Q. 33,421–43 (XI, 2074–5), Q. 33,451–4 (XI, 2075); Darlow M. 45–9 (XI, 2095), Q. 33,841–8 (XI, 2096), Q. 33,854–75 (XI, 2096–7), Q. 33,960 (Q. 2102).

† Postlethwaite, Abbott, and Dodds, M. 44–58 (XI, 2143–4), Q. 34,543–52 (XI, 2145).

‡ Pindar, M. 60 (X, 1883), Q. 30,233 (X, 1886).

We should hope that the occasion for its use would seldom arise, and that the development of such a situation would, as a rule, be obviated by close and amicable working relations between County Councils and Councils of County Districts.

79. We were informed that in some Counties there is a close association between the County Council and the Councils of the County Districts, and that the co-operation of the County Medical Officer of Health is welcomed by the Councils of the County Districts.* If some system, not necessarily of supervision, but of close association and co-operation could be devised there would be little fear of recourse to the default procedure becoming at all frequent.

80. It may be observed that there is perhaps in some cases a tendency at the present day to overlook the fact that although many services are in themselves eminently desirable, due weight is not always given to the claims of economy, when the attitude of a County District Council upon a question involving considerable expenditure is under review.

Our conclusions and recommendations are as follows :—

81. The existing provisions as means of securing improvements in unsatisfactory sanitary conditions are insufficient, both separately and collectively, and should be reinforced by a provision under which it would rest normally with the County Council, in the first instance, to draw the attention of the Minister of Health to the existence of such conditions.

(*a*) First, the power of a County Council to make a representation to the Minister in regard to the administration by the Council of a County District of any health service should not depend, as now appears to be the case under section 19 of the Local Government Act, 1888, upon the perusal by the County Council of a report from a District Medical Officer of Health, but should be expressed in general terms.

(*b*) Secondly, section 19 is not satisfactory in that it does not require the Minister to take any action on receiving a representation from a County Council. The Minister should therefore be required by statute duly to consider the representation, and empowered, if he thinks fit, to cause a Local Inquiry to be made into the subject-matter of the representation. (In this connexion, it may be observed that section 299 of the Public Health Act, 1875, includes a provision to this effect, though section 19 of the Local Government Act, 1888, does not.)

82. If it should be established after Local Inquiry that the Council of a County District are not administering the health service or services in question up to a standard which the

* County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,219-32 (X, 2003).

Minister considered to be reasonable, and if no action satisfactory to the Minister is taken by the Council within a period to be defined by the Minister, there should be statutory power for one or other of the following courses to be adopted :—

(*a*) First, in order to meet the cases in which failure to attain a reasonable standard in administration is due rather to the disabilities (the result of narrow financial resources or other causes) than to the unwillingness of the Council of the County District, it might be open to the Council, by agreement with the County Council and with the approval of the Minister, to relinquish to the County Council, upon such terms (financial or otherwise) as may be agreed, their responsibility in relation to the service or services in question.

(*b*) Secondly, the County Council might be empowered to do the necessary work, the Council of the County District being required to pay the cost as a debt to the County Council. But this requirement would not be applicable in cases where the default was due to lack of financial resources.

(*c*) Thirdly, the responsibility for administration of the service or services might be transferred to the County Council by Order of the Minister, either for a stated period or until the Order was revoked.

83. This suggested procedure should apply in respect only of duties laid upon Councils of County Districts by statute, and not of powers vested in them by statute.

CHAPTER IV.—ACCELERATED PROGRESS TOWARDS WHOLE-TIME APPOINTMENTS OF MEDICAL OFFICERS OF HEALTH.

Section I.—Evidence on behalf of the Minister of Health.

84. In the present context " whole-time " appointment means the appointment of a Medical Officer of Health who is precluded by his terms of service from engaging in private practice, and who therefore gives his whole time to public duties, though not necessarily in the service of a single Local Authority.

85. On 31st March, 1927, the position in regard to whole-time appointments of Medical Officers of Health was that there were 1,686 County District Councils, each of whom was obliged to appoint a Medical Officer of Health. In less than one-third of those areas (namely, 117 Boroughs, 179 Urban Districts, and 209 Rural Districts, i.e., 505 in all) the Medical Officer of Health gave his whole time to public duties. In 385 out of the foregoing

505 areas, the Medical Officer acted for more than one District, or partly for a County and partly for one or more Districts. In the remaining 1,181 County Districts, the Medical Officer of Health did not give his whole time to public duties, but was engaged in private practice as well.*

86. The necessity for the appointment of whole-time Medical Officers of Health was emphasized by the Minister particularly in view of the "enormous development in the complexity of the public health services, what is sometimes called preventive medicine, which has become more and more a specialized thing," and therefore demands the services of an officer who is specially trained in that particular branch of medicine, and is also free from the possibly conflicting claims of private practice.†

87. It was agreed that there may be some exceptional cases where the requirements of the area might be adequately met by the employment of a part-time officer‡ : but in many cases where a whole-time officer was desirable, restricted financial resources have impeded the Local Authority in making such an appointment.§ In this connexion, the possibilities of combination between Authorities willing to share the services of a Medical Officer are of importance, and the various means by which such a combination can be effected were laid before us in detail.‖

88. It is, however, apparent that the present provisions have not resulted in the appointment of whole-time Medical Officers of Health on a scale such as the situation demands; and the Minister accordingly made suggestions to accelerate the process.

The importance which the Minister attached to appointments of this kind is indicated in paragraph **422** of the memorandum of evidence submitted on his behalf, which says that he " would rank as indispensable for the effective discharge of that large and increasing part of the functions of Local Authorities which is concerned with public health . . . an accelerated rate of progress towards the appointment of Medical Officers of Health engaged for the whole of their time on public duties."¶

89. The Minister considered that the general effect of the evidence before the Commission was that :—

> " (*a*) the employment by Local Authorities of Medical Officers of Health giving their whole time to public duties is desirable in all areas, and should be practicable in almost all areas when an effective reorganization of County Districts has taken place;

* Robinson, **M. 89** (IX. 1743-4).
† Robinson, Q. 28,933 (IX, 1749).
‡ Robinson, **M. 107** (IX, 1745), Q. 28,930 (IX, 1749), Q. 36,082 (XII, 2242).
§ Robinson, **M. 88** (IX, 1743).
‖ Robinson, **M. 92-7** (IX, 1744).
¶ Robinson, **M. 422** (XII, 2226).

"(*b*) the rate of progress towards the employment of Medical Officers of Health on these terms has been unsatisfactory in the past, and under any reorganized system of local government adequate means should be provided of securing that the rate of progress is improved in the future."*

90. In this connexion, the Minister observed that :—

(*a*) Local Authorities of all types agree that whole-time appointments of Medical Officers of Health are preferable to part-time appointments, and should be encouraged, but some Local Authorities object to being compelled to make whole-time appointments, especially if such appointments are to involve sharing the services of the Medical Officer with the County Council. Rural District Councils are inclined to press the services of the local Medical Officer of Health upon the County Council if whole-time appointments are to be made; and County Councils would be glad to see an extension of the system by which District Councils share with them the services of an Assistant County Medical Officer.†

(*b*) After taking all the circumstances into consideration, the rate of progress in the last 55 years towards a general system of whole-time appointments has been indefensibly slow. In 1873, the proportion of whole-time appointments of Medical Officers was about one-quarter. The proportion to-day, taking into account appointments by Councils of Counties, Metropolitan Boroughs, and County Boroughs, as well as by Councils of County Districts, is slightly over one-third.‡

91. The Minister took the view that, although immediate general compulsion to make whole-time appointments is impracticable, regular means will be needed to remove some of the obstacles which have militated against such appointments in the past. He accordingly suggested that statutory provision should be made that on the occurrence of a vacancy in any post held by a Medical Officer of Health who is also engaged in private practice, it should be the duty of the County Council, after consultation with every County District Council affected, to make suitable arrangements for the appointment of a Medical Officer of Health by the County District Council in whose area the vacancy has occurred, either solely or jointly with the County Council or other Local Authorities; and that these arrangements should preclude the Medical Officer of Health from engaging in private practice, unless, on consideration of the special circumstances of a particular County District, as represented to him by the County

* Robinson, M. 486 (XII, 2240).
† Robinson, M. 500 (1) and (2) (XII. 2242).
‡ Robinson, M. 116 (IX, 1747), M. 500 (3) (XII, 2242), Q. 36,128–9 (XII, 2244).

Council, after consultation with the County District Council concerned, the Minister is satisfied that it would, for the time being, be unreasonable to attach this condition to the appointment.*

92. In the course of his evidence on behalf of the Minister, Sir Arthur Robinson laid repeated emphasis upon the importance of splitting up the problem, and taking action to secure a whole-time appointment as each vacancy in the post of Medical Officer of Health actually occurred.† Sir Arthur Robinson also expressed the view that, unless provision were made for the County Council to take action, no effective progress would result.‡

Section II.—Evidence on behalf of the Local Authorities.

(a) *The County Councils Association.*

93. The County Councils Association attached importance to the appointment of whole-time Medical Officers of Health; and in particular to the method by which County and County District Councils might share the services of an Assistant County Medical Officer who is also the Medical Officer of one or more County Districts. They regarded such an arrangement as helpful in relation to other parts of their proposals, such as the exercise of powers of supervision by County Councils,§ and the delegation of functions to District Councils under a scheme for redistribution of functions.‖ They also pointed to the desirability of concentrating the responsibility for medical services over a given area in the hands of one Medical Officer of Health in lieu of at least two Medical Officers independently appointed by different Authorities.¶

94. The Association accordingly proposed that County Councils should be empowered to formulate, after consultation with the Councils of County Districts, schemes prescribing by such method or methods as they might consider best suited to the needs of their administrative areas the employment of whole-time Medical Officers of Health, and to submit such schemes for the approval of the Minister.**

95. In amplification of these proposals, the representatives of the County Councils Association suggested that a County District Council should be empowered to appeal to the Minister of Health

* Robinson, M. 502 (XII, 2242).
† Robinson, Q. 36 082–4 (XII, 2242–3), Q. 36,094 (XII, 2243), Q. 36,153 (XII, 2245), Q. 36,158 (XII, 2246), Q. 36,161 (XII, 2246).
‡ Robinson, Q. 36,115 (XII. 2244), Q. 36,123 (XII, 2244).
§ Dent, Hinchliffe, and Holland, Q. 32,161–2 (X, 2000–1), Q. 32,600–1 (X, 2022).
‖ Dent, Hinchliffe, and Holland, Q. 32,455 (X, 2015), Q. 32,472–7 (X, 2016), Q. 32,500–14 (X, 2017), Q. 32,529–34 (X, 2018).
¶ Dent, Hinchliffe, and Holland, Q. 32,583 (X, 2021).
** Dent, Hinchliffe, and Holland, M. 99 (X, 2021).

against any provisions of the County Council's scheme to which they might object.* We were not, however, able to gather whether the Association contemplated that the scheme should be applied compulsorily to the County Districts, there being some conflict in their evidence on this point.† The Association were not anxious to impose any uniform scheme, and would be satisfied so long as they secured the appointment of whole-time Medical Officers and co-operation between the County Council and the County District Councils in public health work.‡ In this connexion, mention was made of the scheme in operation in the County of Essex, under which an Assistant County Medical Officer acts as Medical Officer of Health for one or more County Districts. The Association made it clear, however, that this was only one of many possible methods of securing co-operation.§

(b) *The Association of Municipal Corporations.*

96. The Association of Municipal Corporations fully recognized the desirability of whole-time appointments of Medical Officers of Health, and raised no objection to County Districts combining in the appointment of a Medical Officer, or arranging with the County Council for the appointment of the District Medical Officer as an Assistant County Medical Officer.‖ But they took the view that arrangements of this character should be effected entirely by agreement, and the representatives of the Association made it clear in evidence that they objected to any scheme of a compulsory character.¶

97. Mr. Darlow pointed out that there was the strongest possible feeling against a District Council being required to appoint as their Medical Officer of Health an Assistant County Medical Officer, the principal objections to such an arrangement being (*a*) that no man can serve two masters,** and (*b*) that the subordination of the District Medical Officer to the County Medical Officer would result in a material reduction in the number of principal Medical Officers, and narrow the chances of promotion, thereby possibly affecting prejudicially the recruitment of the service.††

(c) *The Urban District Councils Association.*

98. The Urban District Councils Association agreed that, wherever possible, Local Authorities should employ a Medical

* Dent, Hinchliffe, and Holland, Q. 32,604–5 (X, 2022).
† Dent, Hinchliffe, and Holland, Q. 32,615 (X, 2022), Q. 32,637 (X, 2023).
‡ Dent, Hinchliffe, and Holland, Q. 32,588 (X, 2021), Q. 32,602–3 (X, 2022), Q. 32,631-4 (X, 2023).
§ Dent, Hinchliffe, and Holland, Q. 32,632 (X, 2023). Cf. Ministry of Health (Robinson), Q. 36,156 (XII, 2246).
‖ Jarratt, M. 103 (XI, 2075); Darlow, M. 34 (XI, 2092).
¶ Jarratt, M. 103 (XI, 2075), Q. 33,455–71 (XI, 2075–6), Q. 33,483–4 (XI, 2076), Q. 33,494–500 (XI, 2077); Darlow, M. 34 (XI, 2092), Q. 33,811–3 (XI, 2094), Q. 33,833 (XI, 2095).
** Darlow, M. 34 (XI, 2092).
†† Darlow, M. 41 (XI, 2092).

Officer who devotes the whole of his time to the public service; but they drew attention to the fact that the Minister of Health* did not desire to argue that it should be a condition of the existence of a Local Authority that they should appoint a Medical Officer of Health devoting his whole time to public duties within a single area.† The Association took the view that, while in many cases there are advantages in making an appointment by which an Assistant County Medical Officer should also act as Medical Officer of Health for one or more County Districts, this is a matter in which the discretion of the Local Authority should be respected; and they suggested that if any external pressure were brought to bear, it should be by the Minister of Health rather than by the County Council.‡

99. In the course of their evidence, the witnesses agreed that it might be desirable for County Councils to formulate schemes for whole-time appointments of Medical Officers of Health to be made by any of the alternative methods available, provided that the schemes were framed in consultation with the Local Authorities, and were subject to a right of appeal to the Minister of Health.§

(d) *The Rural District Councils Association.*

100. The Rural District Councils Association agreed that it is desirable that the Medical Officer of Health should be a whole-time Officer wherever practicable.‖ Mr. Pindar stated on behalf of the Association that there should be co-operation between the County and the District Councils in making these appointments, and that the meaning of co-operation was that "the local Medical Officer of Health acts also as the Medical Officer under the County Council."¶ Mr. Pindar added that "the system which my Association would like to see adopted would be one whereby one medical man discharges all the public health duties within a reasonably compact and well-defined area."**

Section III.—Conclusions and Recommendations.

101. We are of opinion that wherever possible the appointment of Medical Officers of Health devoting the whole of their time to the public service is desirable; and we consider that steps should be taken to accelerate the progressive adoption of such appointments. We agree that an essential means of

* Ministry of Health (Robinson) M. 91 (IX, 1744).
† Postlethwaite, Abbott, and Dodds, M. 86 (XI, 2154).
‡ Postlethwaite, Abbott, and Dodds, M. 87 (XI, 2155).
§ Postlethwaite, Abbott, and Dodds, Q. 34,713–9 (XI, 2155).
‖ Pindar, M. 88 (X, 1896).
¶ Pindar, Q. 30,589 (X, 1905).
** Pindar, Q. 30,591 (X, 1905).

securing this is to provide that the question of making a whole-time appointment should be considered as and when each individual vacancy for a Medical Officer of Health occurs. The possibilities of co-operation between two or more County District Councils, or between County District Councils and the County Council, may take various forms, and any scheme designed to facilitate whole-time appointments should provide for a considerable measure of elasticity.

102. We think that difficulties would attend the adoption of the proposal made on behalf of the Minister of Health that " it should be the duty of the County Council, after consultation with every County District Council affected, to make suitable arrangements for the appointment of a Medical Officer of Health by the County District Council in whose area the vacancy has occurred."* It appears to us desirable that each County Council, in consultation with the County District Councils, should be required to frame a scheme for the whole County in the light of which the appropriate action to be taken on the occurrence of an individual vacancy can be discussed by the District Council concerned with the County Council and the Council of any other County District; the purpose of the scheme being to explore beforehand and record what can be done to facilitate whole-time appointments, and not to prescribe compulsorily what shall be done.

103. We accordingly propose that statutory provision should be made to the following effect :—

(*a*) It should be the duty of every County Council, in consultation with the County District Councils, to frame for the whole County a scheme for the appointment of whole-time Medical Officers of Health.

(*b*) On the occurrence of a vacancy in any post held by a Medical Officer of Health for a County District who is also engaged in private practice, the County District Council, after consultation with the County Council and the Council of any other County District, should appoint a Medical Officer of Health either solely or jointly with the County Council or other Local Authorities, on terms which preclude the Medical Officer from engaging in private practice.

The Minister of Health should be empowered to waive this requirement on any occasion, if, after considering the circumstances of a particular County District, the scheme of the County Council, and any representations made by the County Council or other Authorities interested, he is satisfied that it would, for the time being, be unreasonable to attach this condition to the appointment.

(*c*) Nothing in these proposals should preclude a Local Authority from appointing a whole-time Medical Officer of Health solely from their area, if they so desire.

* Ministry of Health (Robinson), M. 502 (XII, 2242).

CHAPTER V.—DISTRIBUTION OF FUNCTIONS BETWEEN LOCAL AUTHORITIES.

Introductory.

104. Questions relating to the distribution of functions between Local Authorities in Administrative Counties formed an important part of the evidence tendered to us. Some of the witnesses endeavoured to establish certain general principles to govern such distribution, and all expressed views upon the allocation of responsibility for administering particular services. This evidence is voluminous and complex, and in many respects conflicting, but we propose in this Chapter to refer only to those points which are relevant to our conclusions, since our present recommendations as to the allocation of particular functions will be limited to those in regard to which redistribution appears to us to be of immediate importance.

Section I.—General Principles.

Evidence on behalf of the Local Authorities.

(a) *The County Councils Association.*

105. The County Councils Association based their proposals for a primary redistribution of functions upon certain principles which may be summarized as follows* :—

(i) All functions should be assigned to County Councils which—

(*a*) Require an extended area of administration;

(*b*) Require the provision and maintenance of institutions;

(*c*) Are semi-judicial in character and involve proceedings for penal offences;

(*d*) Are quasi-legislative in character and involve proceedings for penal offences; and

(ii) A satisfactory distribution of functions should preclude the assignment of functions to County Councils and to Councils of County Districts either concurrenty or alternatively.

106. The Association contemplated that the primary distribution of functions based on these principles should be accompanied by a provision under which County Councils should be em-

* Dent, Hinchliffe, and Holland, M. 4–6 (X, 1961), M. 16 (X, 1962).

powered to delegate functions to the Councils of County Districts under the following further principles* :—

(*a*) The cost of any functions delegated by County Councils to Councils of County Districts should fall mainly on County ratepayers;

(*b*) Standard delegation by County Councils should not be obligatory;

(*c*) County Councils should remain responsible to Departments for the efficiency of any grant-aided work delegated to Councils of County Districts; and grant should be paid to the Councils of County Districts through the County Councils.

107. The meaning of the " standard " or " statutory " delegation to which the Association referred was the subject of considerable discussion; and it appeared from the explanation given by the representatives of the Association that statutory delegation would be delegation under a statute relating to a particular function, which provided that the whole or a specific part of the work in question should in Administrative Counties be delegated by County Councils to all County District Councils who were willing to undertake the work, unless for special reasons any County Council refused to delegate to a particular County District Council the whole or any part of the work.†

108. A County District Council to whom a County Council refused to delegate any work under a provision for statutory delegation would apparently have a right of appeal to the Minister of Health (or other responsible Minister) against the County Council's refusal; and the Minister would be empowered to determine whether the work could better be done by the County Council, or by the County District Council in the exercise of delegated powers.‡ Further, if a County Council proposed to resume the primary responsibility for any work delegated to a County District Council, the County District Council would have a similar right of appeal to the appropriate Minister, who would determine whether the work could better be done if it remained in the hands of the County District Council or if the primary responsibility for it were resumed by the County council.§

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* Dent, Hinchliffe, and Holland, M. 12-4 (X, 1961).

† Dent, Hinchliffe, and Holland, Q. 31,949-50 (X, 1989), Q. 32,115 (X, 1998), Q. 32,441-53 (X, 2014-5), Q. 32,555-61 (X, 2019-20).

‡ Dent, Hinchliffe, and Holland, Q. 32,463-6 (X, 2015-6) (where, however, an appeal by the County District Council was apparently not contemplated), Q. 33,017-23 (X, 2042) (from which a right of appeal is inferred).

§ Dent, Hinchliffe, and Holland, Q. 32,460-2 (X, 2015), Q. 32,467-8 (X, 2016), Q. 32,470-1 (X, 2016), Q. 32,478-9 (X, 2016), Q. 32,540-52 (X, 2018-9) Q. 32,553-61 (X, 2019-20).

109. The Association emphasized the fact that their proposals for the redistribution of functions were made on the assumptions that*—

(*a*) County Districts would be reorganized on the lines proposed by the Association;

(*b*) County Councils would be invested with direct power of complaint to the Minister of Health with respect to the discharge of public health functions by County District Councils in cases in which they apprehended that danger to the community was involved; and

(*c*) County Councils and County District Councils would be brought into closer relationship, especially as regards the appointment and duties of County and District Medical Officers of Health.

(b) *The Association of Municipal Corporations.*

110. The Association of Municipal Corporations did not accept the principles on which the County Councils Association suggested that the redistribution of functions should proceed, and they did not think that the allocation of functions could be determined by laying down any general or absolute principles.‡ Their recommendations in regard to the distribution of particular functions, however, were apparently based upon certain general considerations which emerged in the course of discussion, though perhaps they had not been consciously in the mind of the Association at the outset.

111. Mr. Jarratt and Mr. Darlow suggested that any general redistribution of functions should be governed by an assessment of the capacity or efficiency of the Local Authority concerned;§ and, in the course of their evidence, reference was made to a number of factors which would have to be taken into account in assessing such capacity. These included (i) financial capacity,‖ (ii) adequacy of staff,¶ (iii) localization of local government in a cohesive unit (in which connexion Mr. Jarratt instanced a Non-County Borough of 20,000 or 30,000 inhabitants),** (iv) employment of a whole-time Medical Officer of Health,†† (v) numbers and density of population.‡‡

* Dent, Hinchliffe, and Holland, Q. 32,093 (X, 1997), Q. 32,975 (X, 2040).
‡ Jarratt, Q. 33,275–9 (XI, 2068).
§ Jarratt. Q. 33,165 (XI, 2063); Darlow, Q. 33,972 (XI, 2103).
‖ Jarratt, Q. 33,262 (XI, 2067), Q. 33,269 (XI, 2067).
¶ Jarratt, M. 120 (XI, 2086), Q. 33,718 (XI, 2086).
** Jarratt, Q. 33,255 (XI, 2067), Q. 33,280–5 (XI, 2068), Q. 33,295 (XI, 2068).
†† Jarratt, M. 111 (XI, 2083), M. 112 (XI, 2084), M. 113 (XI, 2084); Darlow, M. 116–8 (XI, 2108–9), M. 120–1 (XI, 2109), M. 123–4 (XI, 2109).
‡‡ Jarratt, Q. 33,214–6 (XI, 2065).

(c) *The Urban District Councils Association.*

112. The Urban District Councils Association proposed that all Urban District Councils who had attained a "minimum standard of qualification" should exercise all functions (except elementary education and maintenance of a police force) which are now assigned to Town Councils to the exclusion of Urban District Councils, or to certain Urban District Councils to the exclusion of others.* The Association were prepared to admit that the greatest measure of autonomy which they claimed for Urban District Councils should not be conferred indiscriminately upon all such Councils, but that there should be a minimum standard of qualification, and that full powers should only be given to those Councils who attained that standard.†

113. The Association suggested that the "minimum standard of qualification" should not be based on population or rateable value, but that a combination of the two should be adopted, and that the formula should be sufficiently elastic to admit of the greater powers to which the Association referred being conferred upon an Authority when, by reason of growth or development or amalgamation, they were able to show that they had attained the minimum standard qualifying them for the greater powers.‡

114. In the course of discussion, the representatives of the Association stated that, if it were necessary to define the standard in more specific terms, they would suggest that the functions specified by them as proper for redistribution should be assigned to Councils of Urban Districts where the following conditions were complied with:—

(*a*) The population of the District should be not less than 15,000;§

(*b*) The rateable value of the District should be not less than £5 per head;§

(*c*) The Medical Officer of Health of the District should give his whole time to public duties;‖

(*d*) Assuming that the whole of the functions suggested as proper for redistribution were assigned to any Council, both the Surveyor and, subject to rare exceptions, the Clerk of the Council should also give their whole time to public duties.¶

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* Postlethwaite, Abbott, and Dodds, **M. 34** (XI, 2141), **M. 68** (*h*) (XI, 2149–59), Q. 34,635–42 (XI, 2150).

† Postlethwaite, Abbott, and Dodds, **M. 36** (XI, 2141).

‡ Postlethwaite, Abbott, and Dodds, **M. 37** (XI, 2141).

§ Postlethwaite, Abbott, and Dodds, Q. 35,013–21 (XI, 2171).

‖ Postlethwaite, Abbott, and Dodds, **M. 67** (*a*) (XI, 2147), Q. 34,574–5 (XI, 2147), Q. 35,022–5 (XI, 2171–2).

¶ Postlethwaite, Abbott, and Dodds, Q. 34,585 (XI, 2147), Q. 35,026–9 (XI, 2172).

The Association, however, preferred some procedure under which, while figures of population and assessable value were taken into account, there should be a discretion in the responsible Minister to determine whether particular functions should be assigned to the Councils of particular Urban Districts.*

(d) *The Rural District Councils Association.*

115. The Rural District Councils Association suggested the transfer of a number of functions from County Councils to Rural District Councils. Their proposals were based on certain general considerations which may be summarized as follows :—

(*a*) County District Councils are the foundation of local government and come most closely into contact with the public in their ordinary everyday requirements. †

(*b*) County District Councils should accordingly be given adequate powers, and should retain responsibility for the efficient discharge of functions within their respective areas, without undue interference by County Councils. †

(*c*) The proper sphere of County Councils in local government is that of supervising and co-ordinating Authorities with few administrative duties, and those confined to such business as is better administered centrally than locally. Detailed handling of both urban and rural problems should be left to people with local interests and local knowledge. ‡

(*d*) The essence of local government lies in the personal acquaintance of members of the Local Authority with the area to be administered. §

(*e*) The assignment of functions to County Councils instead of County District Councils tends to increase the burdens of rural ratepayers, because County Councils conduct their administration less economically than County District Councils. ‖

Evidence on behalf of the Minister of Health.

116. The Minister of Health, in the memorandum of evidence submitted on his behalf, traced the considerations which have commonly been accepted by Parliament in determining the types or Authorities, or particular Authorities among those of a given type, by whom particular functions in Administrative Counties should be primarily discharged. He showed that these considerations included (i) the legal status of local Authorities, i.e., functions have been assigned exclusively to Local

* Postlethwaite, Abbott, and Dodds, Q. 35,030–40 (XI, 2172).
† Pindar, M. 58 (X, 1883).
‡ Pindar, M. 58–60 (X, 1883), Q. 30,202 (X, 1885), Q. 30,218–21 (X, 1886).
§ Pindar, M. 61 (X, 1883), Q. 30,235–7 (X, 1886-7).
‖ Pindar, M. 62 (X, 1883), Q. 30,239–50 (X, 1887), Q. 30,287 (X, 1889).

Authorities of a single type, or in part to Local Authorities of one type and in part to Local Authorities of another type, or concurrently to Authorities of different types*; and (ii) legal status combined with other characteristics, i.e., functions have been assigned to Authorities of a certain status possessing other qualifications such as a minimum population, a separate Court of Quarter Sessions, or a separate police force.†

117. Parliament has also made provision whereby this primary distribution of functions may be modified, and the primary Authorities may cease to exercise the functions assigned to them, in the following ways:—(i) certain functions may be transferred from primary Authorities in default to other Authorities‡; (ii) primary Authorities may relinquish certain functions to other Authorities§; (iii) the powers of primary Authorities may be revoked from a given date‖; (iv) primary Authorities may delegate certain functions to other Authorities¶; (v) primary Authorities may employ other Authorities as agents**; (vi) functions may be acquired by the Local Authorities of areas with increased popnlations††; (vii) the responsible Authorities may be varied on administrative grounds.‡‡

118. Reviewing generally the proposals put before us by the representatives of the Local Authorities, the Minister suggested that these had not been made with the sole or main object of introducing consistency or logic into the system of local government, but were founded rather on the fact observed by Local Authorities that there is in the present distribution of functions so great a want of consistency and of logic as to prevent the system of local government from deserving in this respect to be called what we have called it generally in our First Report "flexible and responsive to the facts of growth and change."§§

119. In regard to the general principles of primary distribution of functions and statutory delegation put forward by the County Councils Association, the observations of the Minister were as follows:—

(i) "It must . . . be said of the first principle stated by the Association, namely that for certain purposes Administrative Counties are the best areas of administration, that there would be no advantage in giving statutory effect to this principle, because that action in itself wonld secure no advance towards agreement on the particular local

* Robinson, M. 505-9 (XII, 2246-7).
† Robinson, M. 510-6 (XII, 2247-8).
‡ Robinson, M. 518 (XII, 2248-9).
§ Robinson, M. 519 (XII, 2249).
‖ Robinson, M. 520 (XII, 2249).
¶ Robinson, M. 521 (XII, 2249-51).
** Robinson, M. 522 (XII, 2251).
†† Robinson, M. 523-4 (XII, 2251-2).
‡‡ Robinson, M. 525-37 (XII, 2252-3).
§§ Robinson, M. 538-40 (XII, 2254).

government functions which could properly be regarded as covered by a principle so stated."*

(ii) " The principle that the administration of institutions should be assigned to County Councils could not with advantage be given statutory effect in an abstract form, because, so far as it is not already in operation, it raises questions of controversy which it would not in itself solve."†

(iii) " There would be no advantage in giving statutory effect to the principle suggested on behalf of the County Councils Association as a means of deciding, without further inquiry, what functions properly described as semi-judicial had better be assigned to County Councils and to County District Councils respectively, since it is clear that the assignment of all functions falling under this head which have recently been discussed in Parliament or before the Commission remains a matter of controversy which cannot be settled by the enunciation of a single principle."‡

(iv) " No useful purpose would be served by giving statutory effect to the principle, as stated by the County Councils Association, that functions of a quasi-legislative nature are, as such, proper to be assigned to County Councils, since in every instance in which examples of functions purporting to fall within this principle have been discussed before the Commission, a wide divergence of opinion has been revealed between County Councils on the one hand, and Authorities of other types on the other hand, on the question whether a given function in fact fell within the Association's principle or outside it."§

(v) " No case has been made out for the translation into statutory form of a principle to the effect that functions should be so assigned as to prevent County and County District Councils from exercising any jurisdiction either over different parts of the same Administrative County (whether under direct statutory powers or as the result of a decision arrived at under statute) or over the same parts of an Administrative County in the discharge of concurrent functions properly so called."‖

(vi) " The effect of the evidence as a whole is that it has not been shown that to confer powers of statutory delegation upon County Councils either in general terms or in a series of Acts relating to particular functions would secure any substantial progress towards the solution of the problem of the distribution of functions between County Councils and other Local Authorities."¶

* Robinson, M. 627 (XII, 2268–9).
† Robinson, M. 631 (XII, 2269).
‡ Robinson, M. 638 (XII, 2269).
§ Robinson, M. 642 (XII, 2270).
‖ Robinson, M. 661 (XII, 2272).
¶ Robinson, M. 669 (XII, 2273).

120. Turning to the geueral considerations which had been laid before us by the Associations of Local Authorities other than the County Councils Association, the Minister submitted the following observations :—

(i) " An assertion of the paramount value of local knowledge and experience in local government does not in itself facilitate the distribution or redistribution of any function between Local Authorities."*

(ii) " The weight of evidence taken before the Commission both in the first and in the second parts of their inquiry has been against the view that population, considered alone, is an adequate test by which to determine either the status or any functions of a Local Authority."†

(iii) " Considerations . . . of . . . the size of the populations in particular areas, combined with the average rateable value per head of the populations in those areas . . . appear . . . to be important and valuable, so long as it is understood that a rational distribution of functions will not be secured by depending on these considerations alone as a guide."‡

(iv) " The employment of a Medical Officer of Health who, though wholly engaged in the public service, is not the servant of a single Local Authority, cannot properly be accepted as indicating in itself that functions ought to be assigned to any one of the Local Authorities whose servant he is; but . . . the employment of a Medical Officer of Health on proper terms " is " an important consideration in arriving at a rational distribution of public health functions between Local Authorities."§

121. The Minister thereafter suggested that the general considerations which might be commended to the attention of Parliament in its future dealings with the problem of distribution of functions between Local Authorities in Administrative Counties might be as follows‖ :—

(i) *Negative Considerations.*—In determining the primary distribution of functions—

(*a*) Less weight should be attached to the legal status of the Authorities as such, that is, to their being Town, Urban District, or Rural District Councils.

(*b*) Less weight should be attached, in Boroughs, to the presence or absence of characteristics such as a separate Court of Quarter Sessions or a separate police force, which are decreasingly relevant to the efficient discharge by Town Councils of the normal functions of local government.

* Robinson, M. 680 (XII, 2273).
† Robinson, M. 686 (XII, 2274).
‡ Robinson, M. 689-90 (XII, 2274).
§ Robinson, M. 694 (XII, 2274).
‖ Robinson, M.699-701 (XII, 2278-9).

(*c*) Less weight should be attached to the numbers of population, taken alone, in the areas of different Authorities.

(*d*) It is inconsistent with a system of local government which is to be, in the words of the Commission, "flexible and responsive to the facts of growth and change" that the functions of Authorities should be finally determined by reference to the numbers of population of their areas at a fixed date.

In providing for modifications of the primary distribution of functions—

(*e*) It is inexpedient to rely substantially upon the exercise of default powers, whether by Local or by Central Authorities, as a means of rectifying anomalies in the primary distribution of functions.

(*f*) It is inexpedient to rely in the main upon the exercise of powers of delegation or of the employment of agents as means of importing flexibility into a primary distribution of functions which is rigid.

(ii) *Positive Considerations.*—In determining the primary distribution of functions—

(*a*) More weight should be attached to (i) the numbers of population of the areas of different Authorities, and (ii) the financial capacity of the different Authorities (as indicated, for example, by the rateable value per head of population), taken together, as ascertained at different dates.

(*b*) More weight should be attached to the employment of proper officers, such as whole-time Medical Officers of Health, by Authorities, as indicating the capacity of the Authorities to discharge the functions in question.

(*c*) More weight should be attached to the flexibility imported into the system by provisions taking the form that the responsible Minister may assign the functions in question in each part of a given Administrative County to the Local Authority (that is, either the County Council or the County District Council) who satisfy him that they are the better qualified of the alternative Authorities to discharge such functions.

In providing for modifications of the primary distribution of functions—

(*d*) It is expedient to enable the primary Authorities to relinquish their functions to other Authorities.

(*e*) It is expedient to consider whether the powers of primary Authorities may properly be revoked in

favour of other Authorities in cases in which the other Authorities have shown themselves to be better qualified than the primary Authorities to discharge the functions in question.

(*f*) It is expedient to enable the primary Authorities to be varied on administrative grounds either throughout a given Administrative County or in part of a given Administrative County on the responsible Minister being satisfied that this course is desirable.

Conclusions.

122. It appears to us that in the rational distribution of functions it is necessary, in the first instance, to have regard to the nature of the particular function which has to be allocated, and to the suitability of Authorities of a given type, or of certain Authorities within that type, to administer such a function. Furthermore, it is important that the allocation of the function should be such as to foster goodwill and co-operation between the various Authorities within the Administrative County. We doubt whether there would be any advantage in giving statutory effect in abstract form to the principles enunciated hy the County Councils Association, because it is questionable whether they would effectively determine in advance the allocation of any particular function. It is to be feared that there would still be controversy whether a specific function could properly be regarded as covered by one or other of the general principles so stated.

123. We are of opinion tbat the chief factors to be considered in determining the distribution of functions should be population, area, financial capacity, and efficiency, in which connexion the staffing of the Local Authority is an important element.

Section II.—Redistribution of Certain Functions.

124. Having considered the general principles which should govern the distribution of functions between Local Authorities in Administrative Counties, we now proceed to examine the distribution of certain particular functions.

In considering what recommendations we should make in this connexion we have had in mind the observation of the Minister of Health that proposals for the redistribution of existing functions, so far as they are to be practical, "must take account of the manner in which the functions in question are at present distributed, and the possibility, in the political sense, of modifying that distribution."*

We deal first with a group of functions affecting the welfare of mothers and children.

* Ministry of Health (Robinson), M. 702 (XII. 2282).

(1) Functions affecting the Welfare of Mothers and Children.

125. In this group we propose to refer to the following functions which are at present distributed between Local Authorities of different types :—

(*a*) Admiuistration of the school medical service as part of the provision of elementary education.

(*b*) Administration of maternity and child welfare work.

(*c*) Administration of the Notification of Births Acts.

(*d*) Supervision of midwives.

(*e*) Ascertainment and treatment of ophthalmia neonatorum.

There appears to be general agreement among the witnesses that there should be a regrouping of these functions with a view to securing that these various services, all of which are directed to one end, should so far as practicable be administered in any given area by one Authority. We are in agreement with this view, and our subsequent recommendations are framed with this intention.

(*a*) School Medical Service.

126. The school medical service is at present administered by the Local Education Authorities as determined by the Education Act, 1902, i.e., by Councils of Boroughs with populations of over 10,000, and of Urban Districts with populations of over 20,000, according to the Census of 1901, except in those areas whose Councils have relinquished their powers; and by County Councils in all areas in Administrative Counties except the Boroughs and Urban Districts first mentioned, and, in addition, in the Boroughs and Urban Districts where the primary Authorities have relinquished their powers.*

127. We have not discussed any redistribution of responsibility for elementary education, because we think that it would not be of any practical advantage to attempt to reopen at the present time the question of the arrangement arrived at in the Education Act, 1902. In this connexion we observe that the Urban District Councils Association recognized that "the present population limit for an Education Authority is too firmly established to make it possible for them to suggest" that Urban District Councils and Non-County Borough Councils should be put on the same footing in this respect.†

128. It appears to us that the school medical service should remain in the hands of the Local Education Authorities as determined by the Education Act, 1902; but we express no

* Ministry of Health (Robinson), M. 705 (XII, 2282).

† Urban District Councils Association (Postlethwaite, Abbott, and Dodds), M. 34 (XI, 2141).

opinion as to the size of the units which should administer this service.

129. It follows that we must regard the Local Education Authorities as a fixed point from which any redistribution of the remaining functions in this group must proceed.

(b) Maternity and Child Welfare Work.

130. The Maternity and Child Welfare Act, 1918, enables arrangements to be made, subject to the sanction of the Minister of Health, either by County Councils or by Councils of County Districts, or partly by one and partly by the other type of Authority, for attending to the health of expectant mothers and nursing mothers and of children under five years of age.* It is not, however, obligatory upon Local Authorities to exercise any of the powers conferred upon them by the Act, and in 1927 schemes under the Act were being administered in England and Wales (excluding London) by 60 County Councils, 83 County Borough Councils and 276 Councils of County Districts.†

At the same date, there were 159 Maternity and Child Welfare Authorities who were not School Medical Authorities, and 26 School Medical Authorities who were not Maternity and Child Welfare Authorities.‡

131. There appeared to be general agreement that it is desirable that in any area the same Authority should administer the school medical service and the maternity and child welfare service; but the proposals made by the various Associations of Local Authorities for effecting the necessary redistribution of functions exhibited a wide divergence of view, as may be gathered from the following summary of their evidence :—

(i) The County Councils Association proposed that maternity and child welfare work should be allocated to County Councils, with a provision for statutory delegation to County District Councils of management and treatment.§

(ii) The Association of Municipal Corporations suggested that maternity and child welfare work should be allocated to Town Councils who are Local Education Authorities, employ a whole-time Medical Officer of Health, and are otherwise capable of doing the work.‖

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* Ministry of Health (Robinson), **M. 179** (IX, 1756).
† Ministry of Health (Robinson), **M. 191** (IX, 1758).
‡ Ministry of Health (Robinson), **M. 208** (IX, 1762).
§ County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,093 (X, 1997), **M. 95** (X, 2014), Q. 32,484 (X, 2016), Q. 32,975 (X, 2039–40).
‖ Association of Municipal Corporations (Jarratt), Q. 33,599–616 (XI 2081–2), Q. 33,622–4 (XI, 2082), Q. 33,637–41 (XI, 2082) ; (Darlow), Q. 33,914–7 (XI, 2100), **M. 112–5** (XI, 2108).

(iii) The Urban District Councils Association claimed that maternity and child welfare work should be entrusted to Urban District Councils who are Local Education Authorities and are otherwise fully qualified*; but they would not agree that Urban District Councils who are not Local Education Authorities should necessarily be excluded from discharging this function.†

(iv) The Rural District Councils Association proposed that maternity and child welfare work should be allocated to Rural District Councils.‡ In their view, this was not so much a statutory transfer of responsibility as a concentration of responsibility for administering functions in the hands of officers of the Rural District Council, namely, in the main, the Medical Officer of Health; and their suggestion was apparently dependent on the adoption of their proposal that the Medical Officer of Health of the Rural District should be appointed also to act for the County Council in the administration of these functions, so far as responsibility for them at present rests with the County Council.§ Nevertheless, the Association contemplated that a statutory transfer of powers would be necessary.‖

132. The Minister of Health suggested that School Medical Authorities who are not now responsible for maternity and child welfare work should be empowered to represent to the Minister that it is desirable that they should assume responsibility for this work in their areas; and that Maternity and Child Welfare Authorities who are not Local Education Authorities should relinquish their maternity and child welfare work to the Local Education Authorities in their areas.¶

133. We recommend that the School Medical Authorities who are not now responsible for maternity and child welfare work should be empowered by statute to represent to the Minister that it is desirable that they should assume responsibility for this work in their areas; and County Councils should be empowered to represent to the Minister of Health that it is desirable that the Maternity and Child Welfare Authorities who are not Local Education Authorities should relinquish their maternity and child welfare work to the Local Education Authorities in their areas. The Minister should make the

* Urban District Councils Association (Postlethwaite, Abbott, and Dodds), M. 88–92 (XI, 2155–6).
† Urban District Councils Association (Postlethwaite, Abbott, and Dodds) Q. 34,587–98 (XI, 2147–8).
‡ Rural District Councils Association (Pindar), M. 63 (X, 1883).
§ Rural District Councils Association (Pindar), Q. 30,250–9 (X, 1887–8) Q. 30,263–72 (X, 1888), Q. 30,288 (X, 1889), Q. 30,587–91 (XI, 1904–5).
‖ Rural District Councils Association (Pindar), Q. 30,308–10 (X, 1890).
¶ Ministry of Health (Robinson), M. 708 (XII, 2282).

necessary Order on being satisfied that the transfer would be conducive to the more effective administration of the two services and the other health services in the area.

(c) Notification of Births.

134. The effect of the Notification of Births Act, 1907, and the Notification of Births (Extension) Act, 1915, was that after 1915 the County Council were the Authority for administering the Act of 1907 in all areas in which they had themselves adopted the Act, or had been declared by Order of the Local Government Board to be the Authority; and in all other areas the Council of the County District were the Authority. Power remained with the Minister of Health to make an Order substituting as the Authority under the Act a County Council for a County District Council and vice versa.*

135. The object of the service covered by these Acts, apart from its statistical purpose, is to secure that the attention of the Authorities locally responsible for maternity and child welfare work should be drawn to the occurrence of a birth, in order that any facilities provided under the local maternity and child welfare arrangements may be made available to the mother and infant if necessary. But the Minister of Health pointed out that there are some areas where the administration of the Notification of Births Acts is entrusted to Authorities who are not responsible for the maternity and child welfare work in those areas.†

136. The representatives of the Local Authorities, with the exception of the Rural District Councils Association,‡ made no proposals for a redistribution of this function. But the Minister suggested that the responsibility for the administration of the Notification of Births Acts and for the administration of maternity and child welfare work should be assigned to the same Authority in every area.§

137. While it is not clear to us that a statutory transfer of powers is called for, we consider that the Authority responsible for maternity and child welfare work should be apprised of every notification made under the Notification of Births Acts.

We therefore recommend that the Authority responsible for the administration of the Notification of Births Acts should be required to send forthwith a duplicate of every notification to the Maternity and Child Welfare Authority of the area.

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* Ministry of Health (Robinson), **M. 175–7** (IX, 1756).
† Ministry of Health (Robinson), **M. 709** (XII, 2282–3).
‡ Rural District Councils Association (Pindar), **M. 63** (X, 1883), Q. 30,260–1 (X, 1888).
§ Ministry of Health (Robinson), **M. 710** (XII, 2283).

(*d*) Supervision of Midwives.

138. The Midwives Act, 1902, provided that every County Council should be the Local Supervising Authority under the Act, and section 9 of the Act enabled a County Council to delegate, with or without restrictions, any powers or duties under the Act to the Council of any County District within their area. But this power of delegation was repealed by section 12 of the Midwives Act, 1918, subject to the proviso that any delegation made before the commencement of that Act should not be affected unless, on a representation of the County Council concerned, the Local Government Board otherwise directed. The Act of 1918 also gave power to the Local Supervising Authorities to assist the training of midwives, and to make grants for this purpose.*

139. It was represented to us that it is desirable that the supervision of midwives, the school medical service, and maternity and child welfare work should be in the hands of one Authority in every area. The kind of difficulty that may arise under the present distribution of these functions was illustrated by Mr. Postlethwaite in his evidence,† by reference to an Urban District Council who are the Authority for the school medical service and maternity and child welfare work, but are not entrusted with the supervision of midwives. Prior to the birth of the child, the Urban District Council, as Maternity and Child Welfare Authority, are responsible for the welfare of the mother and the unborn child. When the birth occurs, the midwife takes charge, and for a period of 10 or 14 days the responsibility for supervision rests with the County Council. After that brief interregnum, the Urban District Council (if they are the School Medical Authority) resume responsibility until the child leaves school. It was represented that the break of 14 days in the continuity of supervision was unnecessary and undesirable.

140. The proposals of the Local Authorities for the allocation of the responsibility for the supervision of midwives may be briefly summarized as follows :—

(i) The Connty Councils Association proposed that County Councils should remain the Local Supervising Authorities, but should be required to delegate to County District Councils powers of inspection and report.‡

(ii) The Association of Mnnicipal Corporations suggested that Town Councils with whole-time Medical Officers of Health should be the Local Supervising Authorities under

* Ministry of Health (Robinson), M. 181–4 (IX, 1757).

† Urban District Councils Association (Postlethwaite, Abbott, and Dodds), Q. 34,602–3 (XI, 2148).

‡ County Councils Association (Dent, Hinchliffe, and Holland), Q. 32,515–21 (X, 2017–8), Q. 32,975 (X, 2039–40), Q. 33,011–6 (X, 2042).

the Act; and that County Councils should be empowered to delegate the function to other Town Councils, there being an appeal to the Minister against a refusal to delegate.*

(iii) The Urban District Councils Association suggested that Urban District Councils who are Maternity and Child Welfare Authorities and are otherwise fully qualified should be the Local Supervising Authorities under the Act.†

141. The allocation of this service presents considerable difficulty. The Minister of Health, after referring to the evidence tendered to us in support of the view that the supervision of midwives should be in the same hands as the school medical service and maternity and child welfare work, expressed the opinion that the application of such a view must be subject to certain restrictions, having regard to the characteristics of the existing Local Education Authorities. Some of these Authorities have small populations under their jurisdiction, and limited financial resources. The 10 smallest Local Education Authorities had, in 1921, populations ranging from 9,700 to 12,400; and the number of births in these areas in 1926 varied as between 131 and 241. In the Minister's view, Local Authorities of areas in which the total amount of work available for midwives is so small cannot reasonably be charged with the responsibility for providing a separate establishment and staff for the purpose of supervising such work as falls to midwives in their areas. On the other hand, there are some urban areas in which it cannot be doubted that suitable arrangements are already made for the discharge of the existing responsibility of the Local Authorities in regard to elementary education and maternity and child welfare work, and it appeared to the Minister that such Authorities could not "necessarily be excluded for ever from taking over responsibility for the supervision of midwives in addition to their existing responsibility for other functions in this group."‡

142. The Minister accordingly suggested that statutory provision should be made to enable Urban Authorities to whom functions have been delegated under the Nursing Homes Registration Act, or who are making a representation to the Minister against a refusal of such delegation, to represent to the Minister that it is desirable that they should also be constituted into Local Supervising Authorities under the Midwives Acts.§

* Association of Municipal Corporations (Jarratt), M. 111 (XI, 2083), Q. 33,660–74 (XI, 2083); (Darlow), Q. 33,893–5 (XI, 2099), M. 116–9 (XI, 2108–9). Q. 34,062–6 (XI, 2109).

† Urban District Councils Association (Postlethwaite, Abbott, and Dodds), M. 67 (*a*) (*d*) (XI, 2147), Q. 34,600–6 (XI, 2148), M. 68 (*a*) (XI, 2149).

‡ Ministry of Health (Robinson), M. 712–5 (XII, 2283).

§ Ministry of Health (Robinson), M. 716 (XII, 2283).

143. After reviewing the various suggestions made to us, we have come to the conclusion that statutory provision should be made to enable Authorities who are responsible for maternity and child welfare work, and employ a whole-time Medical Officer of Health, to represent to the Minister of Health that it is desirable that they should also be constituted into Local Supervising Authorities under the Midwives Acts. In dealing with any such representation, the Minister should take into consideration whether the Authority, having regard to their size and resources, are adequately equipped to administer this service in all respects, including provision for training.

Any new enactment on these lines need not affect the existing power of County Councils to represent that a delegation of this function made before 1918 should be revoked; and an additional power might be conferred upon County Councils to represent at any time that the responsibility of a Local Supervising Authority under the proposed new provision should be re-transferred to them on administrative grounds.

(*e*) Ascertainment and Treatment of Ophthalmia Neonatorum.

144. Under the Public Health (Ophthalmia Neonatorum) Regulations, 1926, the duty of notifying a case of ophthalmia neonatorum rests with the medical practitioner in attendance upon the case. Ophthalmia neonatorum is an infectious disease, and the notifications in Administrative Counties are accordingly made in the first instance to the Medical Officer of Health for the County District in which the case occurs, who is under an obligation to forward to the County Medical Officer of Health within 24 hours a copy of every notification which he receives. Midwives are still required, in accordance with the Rules of the Central Midwives Board, to summon medical assistance in all cases, however slight, of inflammation of, or discharge from, the eyes of a child, and to send notice immediately to the Local Supervising Authority that such assistance has been sought.*

145. Responsibility for ensuring adequate nursing and treatment for ophthalmia neonatorum rests with Local Authorities exercising powers under the Maternity and Child Welfare Act, who, as already stated in paragraph 130 above, except in 276 of over 1,600 County Districts, are the County Councils and not the District Councils. Responsibility for seeing that midwives are carrying out their duties rests with the Local Supervising Authorities under the Midwives Acts, and these again, except in six of over 1,600 County Districts, are the County Councils and not the District Councils.† The complexity of the

* Ministry of Health (Robinson), M. 185–7 (IX, 1757).
† Ministry of Health (Robinson), M. 205 (IX, 1761).

resulting relations in regard to the ascertainment and the treatment of this disease is exhibited in detail in paragraph **206** of the Minister's memorandum.*

146. The County Councils Association proposed that notifications of ophthalmia neonatorum should be made to County Councils where they provide treatment.† But the Association of Municipal Corporations represented that direct notification to County Medical Officers of Health would be impracticable.‡

147. The Minister of Health suggested that the responsibility for ascertainment and treatment of ophthalmia neonatorum ought to be assigned to one Authority in each area within an Administrative County, and that this Authority should be the Authority responsible for providing the treatment, since the ascertainment of the disease, apart from its statistical purpose, is intended solely to secure that the treatment should be prompt and adequate. In the Minister's view, the appropriate Authority to carry out measures of treatment of this disease are the Authority responsible for maternity and child welfare work in the area.§ To ensure that the Authority responsible for providing the treatment are notified of the occurrence of any case without delay, the Minister suggested that notifications or notices with respect to ophthalmia neonatorum should be made or sent in the first instance to the Local Authority who provide treatment for the disease, whether or not that Authority are also the Local Supervising Authority under the Midwives Acts.‖

148. We recommend that responsibility for the ascertainment and treatment of ophthalmia neonatorum should be assigned to one Authority in each area within an Administrative County; and this Authority should be the Authority responsible for providing the treatment. The appropriate Authority to carry out measures of treatment of this disease are the Authority entrusted with responsibility for maternity and child welfare work in the area, and, accordingly, notifications or notices with respect to ophthalmia neonatorum should be made or sent in the first instance to the Local Authority who provide treatment for the disease, whether or not that Authority are also the Local Supervising Authority under the Midwives Acts.

(2) Provision and Maintenance of Infectious Diseases Hospitals.

EVIDENCE ON BEHALF OF THE MINISTER OF HEALTH.

149. The Minister of Health explained in the memorandum submitted on his behalf the various methods by which Local

* Ministry of Health (Robinson), **M. 206** (IX, 1761).
† County Councils Association (Dent, Hinchliffe, and Holland), **M. 96** (X, 2020).
‡ Association of Municipal Corporations (Jarratt), **M. 119** (XI, 2086). Q. 33,712–7 (XI, 2086).
§ Ministry of Health (Robinson), **M. 718** (XII, 2283).
‖ Ministry of Health (Robinson), **M. 721** (XII, 2283–4).

Authorities may discharge this function.* The Council of a County District are empowered to provide an infectious diseases hospital under section 131 of the Public Health Act, 1875. There are also provisions under which two or more Councils of County Districts may form a Joint Committee or a Joint Board for the provision of an isolation hospital, or, again, a Council of a County District may contract for the use of an isolation hospital provided by a neighbouring Authority. If the Council of a County District fail to provide proper isolation hospital accommodation for the inhabitants of their area, there are other expedients whereby—

(i) The County Council may issue an Order constituting a Hospital District including one or more County Districts;

(ii) The County Council may apply to the Minister for the issue of Regulations authorizing the County Council to provide an isolation hospital for the whole or part of the Administrative County; or

(iii) A Council of a County District can in law be included against their wishes in a Joint Hospital Board, although, in practice, the Minister and his predecessors have been reluctant to exercise this power against an unwilling Local Authority.

Thus there are numerous alternative methods available under which it is open to Local Authorities of different types, but obligatory upon none of them, to take steps to discharge this function.

The Minister brought to our notice a number of cases in which, as a result of the present state of the law, efforts to secure the provision of proper and sufficient isolation hospital accommodation in certain areas had either been wholly fruitless, or had not produced results proportionate to the time and trouble expended in attaining them.†

150. It was represented to us that the existing measure of responsibility for the proper discharge of this function which rests upon Local Authorities has not in practice proved sufficiently definite to secure the protection of the public in certain areas.‡ In the course of his evidence, Sir Arthur Robinson said,§ "If you look round the country as a whole now, you will find that there is quite a serious shortage of accommodation for infectious diseases, including smallpox, on any standard you like to lay down. I think that steps ought to be taken to put that right. It is a public danger. I should have thought the right way of doing it was for the County Councils to survey their own Counties and find out where the shortage is, and get

* Robinson, M. 127–9 (IX, 1751–2).
† Robinson, M. 130–72 (IX, 1752–5).
‡ Robinson, M. 725 (XII, 2284).
§ Robinson, Q. 36,421 (XII, 2286).

a scheme for the County, and if you do that, one knows that you have more accommodation in some areas than you need, and in other areas you have no accommodation. If you said to the County Council that they have got to go over the whole area and get a scheme for the whole area, whether they take over any existing hospital run by a combination of Authorities or whether they leave that hospital to be run by those Authorities in connexion with, and as part of, a County scheme, seems to me to be a mere detail. What I want to do is to get a situation in which the provision is there. It is not there now and it should be there. What you want is some definite scheme for each County which will take into account what there is now and will fill in the gaps so that there is complete provision."

151. It was accordingly suggested by the Minister that responsibility for providing and maintaining infectious diseases hospitals should be concentrated in the hands of County Councils, and that existing hospitals for infectious diseases for which Local Authorities of other types are at present responsible should be transferred to County Councils on equitable terms.* The Minister also proposed that statutory safeguards, which might follow the lines laid down by Parliament in the Public Health (Tuberculosis) Act, 1921, should be provided against the failure in future of any responsible Local Authority to make adequate arrangements for the provision and maintenance of infectious diseases hospitals.†

Evidence on behalf of the Local Authorities.

152. The evidence tendered on behalf of the Local Authorities may be briefly summarized as follows:—

(i) The County Councils Association proposed that County Councils should be the sole Authorities for the provision and maintenance of all isolation hospitals within their administrative areas, any necessary financial adjustment being made with Councils of County Districts who had already made adequate provision. The Association also proposed that there should be provision for statutory delegation of ascertainment to County District Councils, and that payment for patients should be a District charge.‡

(ii) The Association of Municipal Corporations proposed that existing arrangements should be retained, except that County Councils should provide and maintain isolation hospitals in areas where no provision exists.§ In the case of

* Robinson, M. 724 (XII, 2284).
† Robinson, M. 725 (XII, 2284).
‡ Dent, Hinchliffe, and Holland, Q. 32,093 (X, 1997), M. 74–6 (X, 2006), Q. 32,294–340 (X, 2006–8), Q. 32,975 (X, 2039–40).
§ Jarratt, M. 108 (XI, 2080), Q. 33,575–7 (XI, 2080), Q. 33,585–7 (XI, 2080–1), Q. 33,593–8 (XI, 2081); Darlow, M. 74–9 (XI, 2103–4), Q. 33,990–34,003 (XI, 2104).

smallpox hospitals, they suggested that the County Council might be the Authority to exercise the function.*

(iii) The Urban District Councils Association suggested that the existing law should be retained, but they had no objection to a default power being conferred on the County Council if the District Councils fail to provide isolation hospitals.†

(iv) The Rural District Councils Association submitted that there was no ground for transferring this function to County Councils, except in small Administrative Counties where one institution could serve the whole County. Mr. Pindar admitted in the course of his evidence that there were a large number of County Districts " quite unsuited either by population or financial resources for the provision and maintenance of an isolation hospital by themselves "; but he thought that District Councils had made reasonable progress in taking joint action for this purpose.‡

Conclusions and Recommendations.

153. We have come to the conclusion that the responsibility of Local Authorities in this matter should be more clearly defined and more effectively discharged. It appears to us that the provision and maintenance of smallpox hospitals can be conveniently differentiated from the provision and maintenance of accommodation for other infectious diseases; and we therefore recommend as follows :—

154. The responsibility for providing and maintaining smallpox hospitals should be assigned to County Councils, but where other arrangements are working satisfactorily, we do not suggest that they should necessarily be disturbed.

155. As regards other isolation hospitals, it should be the duty of the County Council to see that adequate provision exists in the County, and they should draw up a scheme for the purpose in consultatiou with the Local Authorities in the County. Any such scheme might properly provide for co-operation with a County Borough Council. If the County Council are satisfied that the provision made in any area is inadequate or requires rearrangement in the interests of efficient or economical administration, they should be empowered to frame proposals for further provision or reorganization, in consultation with the Local Authorities concerned. If any District Council or Councils object to the proposals of the County Council being put into

* Jarratt, Q. 33,583 (XI, 2080), Q. 33,592 (XI, 2081); Darlow, Q. 34,007 (XI, 2104).

† Postlethwaite, Abbott, and Dodds, M. 79–83 (XI, 2153), Q. 34,673–707 (XI, 2153–4).

‡ Pindar, M. 81 (X, 1895–6), Q. 30,528–54 (X, 1901–3).

operation they should be empowered to appeal to the Minister of Health.

156. To ensure the effective discharge of the responsibility for providing and maintaining hospitals for infectious diseases, statutory safeguards, which might follow the lines laid down by Parliament in the Public Health (Tuberculosis) Act, 1921, should be provided against the failure in future of any responsible Local Authority to make adequate arrangements for this purpose.

(3) Roads.

157. The problem of highway administration and the controversial issues which it raises between Local Authorities have been the subject of frequent discussion in the evidence tendered to us. In the ordinary course it would have been our duty to examine this evidence and make recommendations thereon; but it appeared questionable whether we could, with advantage, pursue this subject in view of the fact that Your Majesty's Government have announced their decision to introduce into Parliament certain proposals for a far-reaching reform of highway administration. The nature of these proposals was indicated in the Paper* presented to Parliament by Your Majesty's Command in June last, paragraph 14 of which is as follows :—

" 14. The modifications proposed in the existing system of highway administration may be briefly summarized as follows :—

" (i) The Counties will assume complete responsibility for the maintenance of all roads in Rural Districts and the substantial existing differences in the highway rates payable in individual Rural Districts in the same County will disappear.

" (ii) The responsibility resting upon the Counties for the maintenance of through communications will be extended by the transference to them of the financial charges in respect of all Class I and Class II roads in Boroughs and Urban Districts outside the County Boroughs.

" (iii) The Counties will become Highway Authorities in respect of all roads transferred to them, but consideration will be given to the question whether, and if so, on what conditions, certain of the other Authorities should not carry out the actual work on their Class I and II roads and other " main " roads, where it is clear that such a course is justified by considerations of efficiency and economy.

* Proposals for Reform in Local Government and in the Financial Relations between the Exchequer and Local Authorities. [Cmd. 3134.]

" (iv) Boroughs and Urban District Councils will continue to be responsible for the maintenance of the roads in their areas (mainly residential ' streets ') which are not already maintainable by the County or which would not be transferred to the County as classified roads under paragraph (ii).

" (v) County Boroughs and Metropolitan Boroughs will retain their existing responsibility in respect to all the roads in their areas.

" (vi) Where the highway responsibilities of existing Authorities are extinguished a transference to the County of store, plant and other property for the upkeep of highways will be necessary. Provision will be made to protect the interests of the ratepayers of such Highway Authorities.

" (vii) Officers employed in connexion with the maintenance of roads which will be transferred to the Counties under the new scheme will, no doubt, in the majority of cases be required by the Counties. Proper provision for compensation where necessary will be included in the Bill."

158. We were asked to consider the question of delegation by County Councils to the Councils of County Districts in regard to the maintenance of roads in the event of the proposals being put into effect.* The following suggestions are necessarily subject to this hypothesis, and we express no opinion upon the proposals generally. With this reservation, we have come to the following conclusions :—

(*a*) Classified and Main Roads.

159. County Councils should be empowered to delegate the maintenance of classified and main roads to Councils of County Districts if they think fit; but it is observed from paragraph 14 (iii) in the Proposals for Reform in Local Government [Cmd. 3134] that " consideration will be given to the question whether, and if so, on what conditions, certain of the other Authorities " (i.e., County District Councils) " should not carry out the actual work on their Class I and Class II roads and other ' main ' roads." No doubt the larger Authorities will be entrusted with such work. But in the case of smaller Urban Authorities (e.g., those with less than 20,000 population) it should be open to a County Council to represent to the Minister of Transport that it is undesirable that such work should be undertaken by any individual Urban Authority; and the Minister, after considering the observations of the County District Council concerned, should be empowered to give such directions as he thinks proper.

* Ministry of Transport (Piggott), Q. 36,520 (XII, 2292), Q. 36,539 (XII, 2293), Q. 36,542 (XII, 2293).

(*b*) Unclassified Roads.

160. It should be the duty of County Councils to delegate the maintenance of unclassified roads to Rural District Councils; but a County Council should be empowered to represent to the Minister of Transport, in the case of any individual Rural District Council, that it is undesirable to grant delegation or that delegation should be withdrawn; and the Minister, after considering the circumstances of the area affected and the observations of the Rural District Council concerned, should be empowered to give such directions as he thinks proper.

In this connexion, we would point out that any general transfer of "scheduled" or "selected unclassified" roads in Rural Districts to the status of classified roads would seriously curtail the measure of delegation possible under the foregoing provision.

(4) Powers of Rural District Councils as regards Promotion of and Opposition to Bills in Parliament.

161. It was explained to us in the memorandum presented on behalf of the Minister of Health at the beginning of our inquiry,* that, under the Borough Funds Acts, 1872 and 1903, Town Councils and Urban District Councils who comply with the formalities prescribed by the Acts have statutory authority for the payment of the costs of promoting or opposing Bills in Parliament. Rural District Councils do not come within the provision of these Acts, and therefore cannot obtain this statutory authority.

162. The Rural District Councils Association pointed out that there are occasions when such a power would prove extremely useful, and suggested that there is no ground for supposing that the power, if granted, would be abused.†

163. We concur in the view that this distinction between Rural District Councils and the Councils of other County Districts should not be maintained, and we therefore recommend that Rural District Councils should have analogous powers as regards the promotion of and opposition to Bills in Parliament.

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* Ministry of Health (Gibbon), Appendix VIII, paragraphs 7–10 (I, 12).
† Rural District Councils Association (Pindar), M. 65 (X, 1883), Q. 30,357–62 (X, 1892).

PART II.—SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.

164. We append a summary of the principal conclusions and recommendations contained in this Report.

I.—Reorganization of Areas.

(1) With a view to securing efficient units of administration, it is desirable that the law and procedure under which a reorganization of areas may be effected should be modified in the following respects :—

First General Review.

(i) Provision should be made for a general review of the existing County Districts and Parishes within a specified period after the passing of the necessary legislation, in accordance with the procedure detailed in paragraph 44 above.

Further General Reviews.

(ii) Provision should be made to facilitate further general reviews from time to time as they become necessary, in accordance with the procedure detailed in paragraph 45 above.

Amendment of Section 57 of the Local Government Act, 1888.

(iii) To facilitate alterations of particular County Districts and Parishes which may become desirable in the intervals between the reviews, section 57 of the Local Government Act, 1888, should be amended in the manner suggested in paragraph 46 above.

II.—Extension of the Local Area of Charge for Certain Services.

(2) Section 229 of the Public Health Act, 1875, should be amended by a provision that the cost of schemes for water supply and sewerage in Rural Districts may fall upon the Rural District as a whole, or upon part of the District, if the District Council so determine or the Minister of Health makes an Order to that effect (paragraph 64).

(3) Rural District Councils should be empowered to contribute out of the general rate to the cost of the exercise of any functions which would otherwise remain a parochial charge (paragraph 64).

(4) County Councils should be empowered to contribute, at the expense of the ratepayers of the Administrative County as a whole, to the cost of the provision of water supply and sewerage (including sewage disposal) by Councils of County Districts; power being reserved to the Council of any County District to appeal to the Minister of Health against a proposal to make such a contribution (paragraph 67).

III.—Revision of Powers of Stimulus and Default Powers.

(5) Section 19 of the Local Government Act, 1888, should be amended by a provision under which it would rest normally with a County Council, in the first instance, to draw the attention of the Minister of Health to the existence of unsatisfactory sanitary conditions, and the Minister should be required to consider any representation from a County Council, and empowered to cause a Local Inquiry to be held into the matter (paragraph 81).

(6) If it is established after a Local Inquiry that the Council of a County District are not administering a health service up to a standard which the Minister considers reasonable, and if no satisfactory action is taken by the Council within a specified period, there should be statutory power for one or other of the following courses to be adopted :—

(*a*) The Council of the County District might relinquish responsibility for the service to the County Council by agreement with the County Council and with the approval of the Minister.

(*b*) The County Council might do the necessary work, the Council of the County District repaying the cost as a debt to the County Council.

(*c*) The Minister might by Order transfer responsibility for the service to the County Council, either for a stated period or until the Order was revoked (paragraph 82).

(7) These provisions should apply in respect only of duties laid upon Councils of County Districts by statute (paragraph 83).

IV.—Accelerated Progress towards Whole-Time Appointments of Medical Officers of Health.

(8) Statutory provision should be made to the following effect :—

(*a*) It should be the duty of every County Council, in consultation with the County District Councils, to frame for the whole County a scheme for the appointment of whole-time Medical Officers of Health.

(*b*) On the occurrence of a vacancy in any post held by a Medical Officer of Health for a County District who is also engaged in private practice, the County District Council, after consultation with the County Council and the Council of any other County District, should be required to appoint, either solely or jointly with the County Council or other Local Authorities, a Medical Officer of Health on terms which preclude him from engaging in private practice, unless the Minister of Health waives this requirement on any occasion (paragraph 103).

V.—Distribution of Functions between Local Authorities.

A.—GENERAL CONSIDERATIONS.

(9) The chief factors to be considered in determining the distribution of functions should be population, area, financial capacity, and efficiency, in which connexion the staffing of the Local Authority is an important element (paragraph 123).

B.—REDISTRIBUTION OF CERTAIN FUNCTIONS.

(1) Services affecting the Welfare of Mothers and Children.

With a view to improving the co-ordination of certain services affecting the welfare of mothers and children, we recommend as follows :—

(a) *School Medical Service.*

(10) The school medical service should remain in the hands of the Local Education Authorities, as determined by the Education Act, 1902 (paragraph 128).

(b) *Maternity and Child Welfare Work.*

(11) School Medical Authorities who are not now responsible for maternity and child welfare work should be empowered to represent to the Minister of Health that they should assume responsibility for this work; and County Councils should be empowered to represent to the Miuister that Maternity and Child Welfare Authorities who are not Local Education Authorities should relinquish their maternity and child welfare work to the Local Education Authorities. The Minister should be empowered to make the necessary Order effecting such a transfer (paragraph 133).

(c) *Notification of Births.*

(12) The Authority responsible for the administration of the Notification of Births Acts should be required to send forthwith

a duplicate of every notification to the Maternity and Child Welfare Authority of the area (paragraph 137).

(d) *Supervision of Midwives.*

(13) (i) Authorities who are responsible for maternity and child welfare work and employ a whole-time Medical Officer of Health should be empowered to represent to the Minister of Health that they should be constituted into Local Supervising Authorities under the Midwives Acts. In dealing with any such representation, the Minister should take into consideration whether the Authority, having regard to their size and resources, are adequately equipped to administer this service in all respects, including provision for training.

(ii) County Councils should be empowered to represent to the Minister at any time that the responsibility of a Local Supervising Authority constituted under the foregoing provision should be re-transferred to them on administrative grounds (paragraph 143).

(e) *Ascertainment and Treatment of Ophthalmia Neonatorum.*

(14) (i) The responsibility for ascertainment and treatment of ophthalmia neonatorum should be assigned to one Authority in each area; and that Authority should be the Authority responsible for providing the treatment.

(ii) Responsibility for treatment should be assigned to the Maternity and Child Welfare Authority.

(iii) Notifications or notices with respect to ophthalmia neonatorum should be sent, in the first instance, to the Local Authority who provide the treatment, whether or not they are also the Local Supervising Authority under the Midwives Acts (paragraph 148).

(2) Provision and Maintenance of Infectious Diseases Hospitals.

(15) Responsibility for providing and maintaining smallpox hospitals should be assigned to County Councils, but where other arrangements are working satisfactorily, these should not necessarily be disturbed (paragraph 154).

(16) In the case of other isolation hospitals, it should be the duty of the County Council to see that adequate provision exists in the County, and they should draw up a scheme for the purpose in consultation with the Local Authorities in the County. If the County Council are satisfied that the provision made in any area is inadequate or requires rearrangement, the County Council should be empowered to frame proposals for further provision or reorganization, subject to the power of any District Council

concerned to appeal to the Minister of Health against such proposals being put into operation (paragraph 155).

(17) Statutory safeguards, on the lines laid down by Parliament in the Public Health (Tuberculosis) Act, 1921, should be provided against the failure in future of any responsible Local Authority to make adequate arrangements for the provision and maintenance of infectious diseases hospitals (paragraph 156).

(3) Roads.

Classified and other Main Roads.

(18) County Councils should be empowered to delegate the maintenance of classified and main roads to County District Councils if they think fit. If, however, under the Proposals for Reform in Local Government [Cmd. 3134] it be decided that County District Councils should carry out the actual work on their classified roads and other " main " roads, it should be open to a County Council to represent to the Minister of Transport, iu the case of smaller Urban Authorities (e.g., those with less than 20,000 population), that it is undesirable that such work should be undertaken by any individual Urban Authority; and the Minister should be empowered to give such directions as he thinks proper (paragraph 159).

Unclassified Roads.

(19) It should be the duty of County Councils to delegate the maintenance of unclassified roads to Rural District Councils; but a County Council should be empowered to represent to the Minister of Transport, in the case of any individual Rural District Council, that such delegation should not be granted or, if granted, should be withdrawn; and the Minister should be empowered to give such directions as he thinks proper (paragraph 160).

(4) Promotion of and Opposition to Bills in Parliament.

(20) As regards the promotion of and opposition to Bills in Parliament, Rural District Councils should have powers analogous to those possessed by other Local Authorities (paragraph 163).

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165. In concluding this part of our inquiry we desire to express to Your Majesty the deep sense of obligation which Your Commissioners are under to their Secretary, Mr. P. Barter, to their Assistant Secretary, Mr. J. A. Lawther, M.B.E., and to Mr. J. D. Castle, all of the Ministry of Health, who form the entire staff of the Commission. As we mentioned in paragraph 5 of this Report, a change in Departmental duties in the

Ministry of Health necessitated the resignation of Mr. Heseltine. Mr. Barter succeeded Mr. Heseltine at a moment of great pressure, when it was manifestly a matter of no inconsiderable difficulty to gather up the threads of the evidence and to take over the duties of Secretary. The industry, experience and ability of Mr. Barter have proved thoroughly equal to the task; and we feel that we owe a great debt of gratitude to him, and to the other two gentlemen we have mentioned, for the zeal and ability which they have displayed in assisting us in our inquiry, and also in the preparation of the draft of this Report. That duty devolved in the main upon Mr. Barter, and we feel that we are much indebted to him for the manner in which he has performed it.

ALL WHICH WE HUMBLY SUBMIT FOR YOUR MAJESTY'S GRACIOUS CONSIDERATION.

ONSLOW *(Chairman)*.
STRACHIE.
G. M. W. MACDONOGH.
WM. MIDDLEBROOK.
LEWIS BEARD.
WALTER B. RIDDELL.
HARRY G. PRITCHARD.
EDMUND RUSSBOROUGH TURTON.
SEYMOUR WILLIAMS.
S. TAYLOR.
JOHN BOND.
H. NORMAN.

P. BARTER,
Secretary.

J. A. LAWTHER,
Assistant Secretary.

9th October, 1928.

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APPENDICES.

APPENDIX I.

GOVERNMENT DEPARTMENTS FROM WHOM EVIDENCE WAS RECEIVED SINCE THE PUBLICATION OF THE COMMISSION'S FIRST REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

1.—Departments from whose Representatives Oral Evidence was Heard.

MINISTRY OF HEALTH	Sir W. ARTHUR ROBINSON, K.C.B., C.B.E., Secretary (IX, 1701, 1787, XII, 2223).
	Mr. R. B. CROSS, O.B.E., Assistant Secretary (VIII, 1563).
BOARD OF TRADE	Mr. R. J. TRUMP, Chief Assistant, Standards Department (VIII, 1571).
	Mr. C. H. BOYD, Principal, Mercantile Marine Department (VIII, 1585).
HOME OFFICE	Mr. A. L. DIXON, C.B., C.B.E., Assistant Secretary (IX, 1823).
MINISTRY OF AGRICULTURE AND FISHERIES.	Sir FRANCIS L. C. FLOUD, K.C.B., Secretary (IX, 1837).
MINISTRY OF TRANSPORT	Mr. H. H. PIGGOTT, C.B., C.B.E., Principal Assistant Secretary, Roads Department (XII, 2289).
SCOTTISH BOARD OF HEALTH ...	Mr. J. JEFFREY, Secretary (VIII, 1543, 1592).
SCOTTISH EDUCATION DEPARTMENT.	Dr. (now Sir) GEORGE MACDONALD, C.B., F.B.A., D.Litt., LL.D., Permanent Secretary (VIII, 1587).
SCOTTISH OFFICE	Mr. W. HOGG, Assistant Secretary (VIII, 1543, 1592).

2.—Departments from whom Evidence was Received in Writing.

BOARD OF EDUCATION	(IX, 1867).
MINISTRY OF TRANSPORT	(IX, 1857).

Appendix II.

REPRESENTATIVES OF ASSOCIATIONS OF LOCAL AUTHORITIES FROM WHOM EVIDENCE WAS HEARD SINCE THE PUBLICATION OF THE COMMISSION'S FIRST REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

1.—Representatives of English and Welsh Local Authorities.

(a) County Councils Association:

Mr. F. Dent	Chairman of the Essex County Highway Committee (X, 1960, 1993, 2019).
Sir James Hinchliffe	Chairman, West Riding of Yorkshire County Council (X, 1960, 1993, 2019).
Mr. E. J. Holland	Chairman, Surrey County Council (X, 1960, 1993, 2019).

(b) Association of Municipal Corporations:

Mr. H. Darlow	Town Clerk of Bedford (XI, 2088).
Mr. J. Ernest Jarratt	Town Clerk of Southport (XI, 2059).
Mr. H. Bird Jones	Town Clerk of Oswestry (XI, 2111).
Mr. W. L. Raynes	Alderman of the Borough of Cambridge (XI, 2117).

(c) Urban District Councils Association:

Mr. Edmund R. Abbott	Clerk to the Ruislip-Northwood Urban District Council (XI, 2136, 2158).
Mr. W. F. Corby	Clerk to the Raunds Urban District Council (XI, 2194).
Mr. D. C. Davies	Clerk to the Llandrindod Wells Urban District Council (XI, 2191).
Mr. J. I. Dawson	Clerk to the Barnard Castle Urban District Council (XI, 2181).
Mr. R. C. Dodds	Chairman of the Maldens and Coombe Urban District Council (XI, 2136, 2158).
Mr. H. D. Holland	Clerk to the Withnell Urban District Council (XI, 2198).
Mr. W. T. Postlethwaite, O.B.E., LL.B.	Clerk to the Swinton and Pendlebury Urban District Council (XI, 2136, 2158).
Mr. H. T. Ringrose	Clerk to the Bourne Urban District Council (XI, 2187).

APPENDIX II.—*continued.*

(d) RURAL DISTRICT COUNCILS ASSOCIATION:

MR. A. HAWES	Clerk to the Bakewell Rural District Council (X, 1956).
LT.-COL. J. M. LONGDEN, M.A., LL.B.	Clerk to the Easington Rural District Council (X, 1909).
MR. W. B. PINDAR	Clerk to the Hunslet Rural District Council (X, 1869, 1895).
MR. G. V. PRICE	Clerk to the Wrexham Rural District Council (X, 1924).
MR. MERVYN V. H. RODBER ...	Clerk to the Yeovil Rural District Council (X, 1946).
MR. P. C. A. SLADE	Clerk to the Wallingford and Crowmarsh Rural District Councils (X, 1940).
MR. T. D. WINDSOR WILLIAMS ...	Clerk to the Neath Rural District Council (X, 1937).

2.—Representatives of Scottish Local Authorities.

(a) ASSOCIATION OF COUNTY COUNCILS IN SCOTLAND:

MR. W. MURISON, O.B.E. ...	County Clerk, Aberdeenshire (VIII, 1610).
MR. J. E. SHAW	County Clerk, Ayrshire (VIII, 1610).

(b) CONVENTION OF ROYAL BURGHS OF SCOTLAND:

SIR HENRY S. KEITH	Member of the Town Council of Hamilton (VIII, 1641).

(c) ASSOCIATION OF DISTRICT COMMITTEES IN SCOTLAND:

MR. W. E. WHYTE, O.B.E. ...	Clerk to the District Committee of the Middle Ward of Lanarkshire (VIII, 1620).

Appendix III.

OTHER WITNESSES FROM WHOM EVIDENCE WAS HEARD SINCE THE PUBLICATION OF THE COMMISSION'S FIRST REPORT.

(With references to the relevant Part and page of the Minutes of Evidence taken before the Commission.)

1. Representatives of the National Association of Local Government Officers.

Mr. E. W. B. Abbott ...	Director of Education for the Borough of Maidstone and Chairman of the Education Committee of the Association (VIII, 1662, 1691).
Mr. A. P. Johnson	Town Clerk of Hampetead and President of the Association (VIII, 1662, 1691).
Mr. L. Hill	General Secretary of the Association (VIII, 1662, 1691).
2. Mr. G. H. Pattinson	Alderman and Vice-Chairman, Westmorland County Council (XI, 2203).
3. Mr. E. D. Simon, M.A., M.I.C.E., M.I.M.E.	Former Lord Mayor of Manchester (XI, 2208).

(67502) Wt. 12762—17 2500 10/28 H. St. G. 71

Government Grants to Local Authorities

Statement of Government Grants to Local Authorities in Great Britain showing as far as possible the purposes for which they are paid and the basis of distribution in each case.

Presented to Parliament by the Financial Secretary to the Treasury by Command of His Majesty

July, 1928

LONDON:
PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.
To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
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1928

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Cmd. 3157.

STATEMENT OF GOVERNMENT GRANTS TO LOCAL AUTHORITIES IN GREAT BRITAIN SHOWING AS FAR AS POSSIBLE THE PURPOSES FOR WHICH THEY ARE PAID AND THE BASIS OF DISTRIBUTION IN EACH CASE.

Service	Department.	Vote or statutory fund on which payment is charged (1927) (See Note (a)).	Estimated amount (1927).			Percentage of approved local expenditure or other basis of computation.
			Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise.	
1.	2.	3	4	5	6.	7.
PART I—GRANTS RELATED TO SPECIFIC SERVICES.			£	£	£	
AGRICULTURE						
England and Wales.						
County Agricultural Committees Administration	Ministry of Agriculture and Fisheries	Class VI, Vote 8	1,000	—	—	100 per cent.
Agricultural Education						
(i) Capital expenditure	"	"	30,000	—	—	75 per cent.
(ii) Annual expenditure	"	"	200,000	—	—	66⅔ per cent.
Recoupment of compensation paid for animals slaughtered in pursuance of Orders relating to tuberculosis in cattle (Diseases of Animals Act, 1925).	"	"	42,000	—	—	75 per cent.
Recoupment of losses incurred by Small Holdings Authorities under the Small Holdings and Allotments Acts, 1908 to 1925.	"	"	810,000	—	—	100 per cent
Do. under Small Holdings and Allotments Act, 1926.	"	"	3 000	—	—	Up to 75 per cent.

Scotland						
Administrative expenses in connection with suppression and destruction of pests.	Board of Agriculture for Scotland.	Class VI, Vote 16	200	—	—	50 per cent.
Salaries of Veterinary Surgeons (Shetland and Sutherland.	"	"	400	—	—	75 per cent.
Public Works in Congested Districts.	"	"	8,000	—	—	Up to 100 per cent.
		Total ...	1,096,600	—	—	
EDUCATION.						
England and Wales						
Elementary Education ..	Board of Education.	Class IV, Vote 1.	31,865,000	—	—	Based mainly on expenditure but account is taken also of average attendance and rateable value. The minimum grant is 50 per cent. and the average grant 65 per cent. of approved expenditure.
						In addition, grants estimated at £75,000 were made in respect of Elementary Education to bodies other than local education authorities
Higher Education	Ministry of Health.	Consolidated Fund.	—	807,000	—	50 per cent. The sum of £807,000 paid through the Local Taxation Account is a fixed grant out of assigned revenues distributed in proportion to the amounts received in 1886–7 in respect of the Exchequer Grants discontinued by the Local Government Act, 1888, subject to adjustments, *e.g.*, in respect of alterations of areas, the voted balance of £5,137,000 is the estimated amount required to make up 50 per cent of approved expenditure
	Board of Education	Class IV, Vote 1.	5,137,000	—	—	
						In addition grants estimated at £1,732,000 (exclusive of University Grants) were made in respect of Higher Education to bodies other than local education authorities.
	Treasury.	Class IV, Vote 9	13,000	—	—	Grant made on recommendation of University Grants Committee in respect of Manchester College of Technology.

Service.	Department	Vote or statutory fund on which payment is charged (1927) (See Note (a)).	Estimated amount (1927)			Percentage of approved local expenditure or other basis of computation.
			Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise	
1.	2.	3.	4.	5.	6.	7.
			£	£	£	
EDUCATION—*continued.*						
Intermediate Education (*Wales*)	Treasury	Class IV, Vote 9.	30,000	—	—	Grants equivalent to the produce of ½d rate are made on the recommendation of the Board of Education.
Reformatory and Industrial Schools.	Home Office	Class III, Vote 5	274,000	—	—	The sum entered in column 4 includes £204,000 payable direct to the Managers of voluntary schools in respect of children for whose maintenance local authorities are responsible. This sum represents one-half of the cost of their maintenance under all heads of expenditure authorised by the Secretary of State. The remaining half is received by the schools direct from the local authorities by means of a flat rate fixed annually for the schools as a whole.
						The balance, viz., £70,000, of the sum in column 4 is payable direct to local authorities in respect of children maintained by them in their own schools.
Local Museums	Board of Education.	Class IV, Vote 1.	1,000	—	—	Grants not exceeding 50 per cent. of cost are made to six provincial museums in respect of the purchase of objects, principally casts and reproductions.
Scotland.						
Education ...	Scottish Office. Scottish Education Department.	Consolidated Fund, Class IV, Vote 10.	5,570,000	461,000	—	The sum of £6,031,000, representing approximately 54 per cent. of the estimated expenditure of education authorities, was received by those authorities from the Education (Scotland) Fund, the major part of this amount being distributed on the basis of average attendance, number of teachers and rateable value.

Reformatory and Industrial Schools.	Scottish Education Department.	Class III, Vote 14.	72,000	—	—	During the year 1927, £5,861,000 was paid into the Fund from Votes and £485,000 through the Local Taxation Account. The amount paid out to local authorities has been allocated between columns 4 and 5 in proportion to these sums. The sum entered in column 4 includes £53,000 payable direct to the Managers of voluntary schools in respect of children for whose maintenance local authorities are responsible. This sum represents one half of the cost of their maintenance under all heads of expenditure authorised by the Secretary of State. The remaining half is received by the schools direct from the local authorities by means of a flat rate fixed annually for the schools as a whole. The balance, viz., £19,000, of the sum in column 4 is payable direct to local authorities in respect of children maintained by them in their own schools.
		Total	42,062,000	1,268,000	—	
HOUSING						
England and Wales						
Housing, Town Planning etc., Act, 1919	Ministry of Health.	Class V, Vote 3.	6,765,000	—	—	Grant determined on basis of amount by which annual deficit on scheme under the Act exceeds the produce of 1*d* rate, except in the case of County Councils in connexion with the housing of persons in their employment, where the grant represents 40 per cent. of annual loan charges.
Housing, etc., Act, 1923 ..	"	"	1,809,000	—	—	Grant paid on basis of £6 a house per annum for 20 years (£4 for houses completed after 30th September, 1927), except in the case of slum clearance schemes, where the grant represents 50 per cent. of the annual loan charges.
Housing (Financial Provisions) Act, 1924.	"	"	1,089,000	—	—	Grant paid on basis of £9, or in agricultural districts £12 10*s*., a house per annum for 10 years; reduced to £7 11*s*. and £11 respectively for houses completed after 30th September, 1927.
Housing (Rural Workers) Act, 1926.	"	"	5,000	—	—	Grant represents one-half estimated loan charges which would have to be borne by the authority if 20 year loans were raised.

Service.	Department.	Vote or statutory fund on which payment is charged (1927) (See Note (a)).	Estimated amount (1927).			Percentage of approved local expenditure or other basis of computation.
			Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise	
1.	2	3.	4.	5.	6	7.
			£	£	£	
HOUSING—*continued.*						
Scotland.						
Housing, Town Planning, etc. (Scotland) Act, 1919.	Scottish Board of Health.	Class V, Vote 14.	955,000	—	—	Grant determined on basis of amount by which annual deficit on scheme under the Act exceeds the produce of a rate of four-fifths of one penny; except in the case of County Councils etc., in connection with the housing of persons in their employment, where the grant represents a proportion of annual loan charges.
Housing etc. Act, 1923	„	„	125,000	—	—	Grant paid on basis of £6 a house per annum for 20 years, except in the case of slum clearance schemes, where the grant represents 50 per cent. of annual loan charges.
Housing (Financial Provisions) Act, 1924.	„	„	118,000	—	—	Grant paid on basis of £9, or in rural districts £12 10s., a house per annum for 40 years.
		Total ...	10,566,000	—	—	
MENTAL DEFICIENCY.						
England and Wales.						
Mental Deficiency ...	Board of Control, England.	Class V, Vote 1.	669,000	—	—	50 per cent.
Maintenance in mental hospitals of certain ex-service patients, whose condition is not caused or aggravated by war service.	„	„	34,000	—	—	100 per cent.

Scotland.						
Mental Deficiency ...	Board of Control, Scotland	Class V, Vote 12.	65,000	—	—	50 per cent.
Maintenance in mental hospital of certain ex-service patients whose condition is not caused or aggravated by war service.	"	"	5,000	—	—	100 per cent.
		Total ...	663,000	—	—	
Police, Etc.			£	£	£	
England and Wales						
Police	Ministry of Health. Home Office.	Consolidated Fund. Class III, Vote 8.	— 6,930,000	3,025,000 —	— —	50 per cent.
Metropolitan Police ...	Home Office	Class III, Vote 8.	100,000	—	—	Fixed additional contribution towards general expenses of Metropolitan Police in respect of imperial and national services.

The sum of £3,025,000 paid through the Local Taxation Account is made up of grants out of assigned revenues as follow:—
£1,100,000, a variable grant in respect of the pay and clothing of the Metropolitan Police, equal approximately to the produce of a 4d rate;
£1,625,000, in respect of the pay and clothing of the police outside the Metropolis, stereotyped at one-half the approved expenditure in 1913–14;
£300,000, a fixed grant in respect of police superannuation, of which £150,000 is paid to the Metropolitan Police Fund, and £150,000 is distributed to extra Metropolitan police authorities in proportion to their approved expenditure in 1913–14.

The voted balance is the estimated amount required to make up 50 per cent. of approved police expenditure.

In addition the salaries of the Commissioner, two Assistant Commissioners and Receiver of Metropolitan Police are borne finally on the Police Vote.

Service.	Department.	Vote or statutory fund on which payment is charged (1927) (See Note (a))	Estimated amount (1927). Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise.	Percentage of approved local expenditure or other basis of computation.
1.	2.	3.	4.	5.	6.	7.
POLICE, ETC.—*continued*			£	£	£	
Scotland	Scottish Office.	Consolidated Fund	—	220,000	—	50 per cent. The sum of £220,000 paid through the Local Taxation (Scotland) Account is made up of fixed grants out of assigned revenues in respect of superannuation (£40,000) and pay and clothing (£180,000), the distribution of which is stereotyped on the basis of 1914–15. The voted balance is the estimated amount required to make up 50 per cent. of approved police expenditure.
	Scottish Office.	Class III, Vote 12	840,000	—	—	
		Total ...	7,920,000	3,245,000	—	
POOR LAW.			£	£	£	
England and Wales	Ministry of Health.	Consolidated Fund	—	2,160,000	—	Grants out of assigned revenues mainly in respect of — (*a*) the maintenance of pauper lunatics, at maximum rate of 4/- per lunatic per week; grants being at present stereotyped at the amounts payable in respect of 1914–15 in London and 1915–16 outside London, and (*b*) the salaries, etc of officers of extra-metropolitan asylums,—stereotyped grants based on expenditure of 1887–8

Scotland.	Scottish Office.	Consolidated Fund.	—	115,000	—	Grants out of assigned revenues at present stereotyped on the basis of approved expenditure on maintenance of pauper lunatics in 1914–15.
	" "	" "	—	20,000	—	Fixed grant out of assigned revenues distributed to Parish Councils in Scotland in proportion to their approved expenditure on medical relief (including trained sick nursing) in 1914–15
	Scottish Board of Health.	Class V, Vote 14.	260,000	—	—	Non-recurring grants were made to Parish Councils in Scotland in 1927 representing 40 per cent. of approved expenditure in respect of poor relief, from 30th April to 6th December 1926, of destitute dependants of destitute able-bodied persons out of employment owing to being directly involved in trade disputes.
		Total ...	260,000	2,295,000	—	
PRORATION OF OFFENDERS.	Home Office.	Class III, Vote 1.	45,000	—	—	50 per cent.
PUBLIC HEALTH.						
Maternity and Child Welfare.	Ministry of Health	Class V, Vote 3	793,000	—	—	50 per cent.
	Scottish Board of Health.	Class V, Vote 14	134,000			
Tuberculosis (Treatment)	Ministry of Health.	Class V, Vote 3	1,710,000	—	—	Grants represent for the most part 50 per cent of approved expenditure, but include also fixed annual grants in lieu of income formerly derived from Insurance funds
	Scottish Board of Health.	Class V, Vote 14.	300,000			
Tuberculosis (Provision of Sanatoria).	Ministry of Health.	Class V, Vote 3.	47,000	—	—	Capital grants towards cost of providing sanatoria are paid on the basis of £130 a bed subject to a maximum of three-fifths of total capital cost.
	Scottish Board of Health.	Class V, Vote 14	20,000			
Treatment of Venereal Diseases.	Ministry of Health.	Class V, Vote 3.	302,000	—	—	75 per cent.
	Scottish Board of Health.	Class V, Vote 14.	57,000			

Service.	Department.	Vote or statutory fund on which payment is charged (1927). (See Note (a)).	Estimated amount (1927). Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise.	Percentage of approved local expenditure or other basis of computation.
1.	2.	3.	4.	5.	6.	7.
			£	£	£	
PUBLIC HEALTH—*cont.*						
Welfare of the Blind ...	Ministry of Health	Class V, Vote 3.	4,000	—	—	Grants are made partly on basis of 50 per cent. of loan charges on capital cost of new accommodation and partly by way of capitation grants per teacher and per blind person employed in workshops, etc. In addition, grants estimated at £114,000 in England and Wales and £11,000 in Scotland were made to voluntary agencies.
	Scottish Board of Health	Class V, Vote 14.	6,000			
Port Sanitary Administration.	Ministry of Health	Class V, Vote 3.	42,000	—	—	Grants represent for the most part 50 per cent. of approved expenditure but include reimbursement of whole cost of medical inspection of aliens at certain ports
	Scottish Board of Health	Class V, Vote 14.	5,000			
Public Vaccinators	Ministry of Health.	Consolidated Fund.	—	10,000	—	Grants out of assigned revenues, the amounts being governed by the number of vaccinations successfully performed.
Expenses of Sanitary Authorities in respect of certain Health Officers:—						
England and Wales	Ministry of Health.	"	—	400,000	—	Grants out of assigned revenues representing 50 per cent. of the salaries of Medical Officers of Health and Sanitary Inspectors whose appointments have been approved by Ministry of Health
Scotland	Scottish Office.	"	—	15,000	—	Fixed grant out of assigned revenues to County and Town Councils distributed in proportion to their approved expenditure on salaries and travelling expenses of Medical Officers and Sanitary Inspectors in 1914–15
		Total	8,410,000	425,000	—	

ROADS, BRIDGES, etc. Maintenance, construction, etc. of roads and bridges	Ministry of Transport.	Road Fund	—	—	18,785,000	Including £556,000 in respect of arterial roads constructed by Ministry of Transport by direct contract, the total cost being shared between the Ministry and local authorities. The balance represents grants varying from 25 per cent. to 75 per cent. of approved expenditure by local authorities according to the type of work or road.
Licensing and registration of motor vehicles.	"	"	—	—	430,000	100 per cent.
Repair of old bridge, Berwick-on-Tweed.	Treasury.	Class I, Vote 15	100	—	—	This allowance to the Corporation of Berwick-on-Tweed representa a grant made by Charles II. for the maintenance of the bridge built by James I. Payment is dependent on the application of the money to the purposes for which the grant was made.
Maintenance of disturnpiked etc. roads (*Scotland*).	Scottish Office.	Consolidated Fund.	—	35,000	—	Fixed grant out of assigned revenues allocated to County and Town Councils in proportion to ascertained cost of maintenance of disturnpiked etc. roads in the preceding year
		Total ...	100	35,000	19,216,000	
UNEMPLOYMENT.						
Juvenile Unemployment Centres.	Ministry of Labour.	Class V, Vote 8.	60,000	—	—	Rate of grant varies according to local circumstances, but is normally 75 per cent.
Administration of Choice of Employment Schemes.	Board of Education.	Class IV, Vote 1.	35,000	—	—	50 per cent.
Unemployment Schemes: (*England and Wales*).						
Capital works in respect of non-revenue producing undertakings	Ministry of Health.	Class V, Vote 2.	365,000	—	—	Grants represent 65 per cent. (or, in the case of schemes submitted after 2nd March, 1924, 75 per cent.) of interest and sinking fund charges for half the loan period.

Service.	Department.	Vote or statutory fund on which payment is charged (1927). (See Note (e)).	Estimated amount (1927).			Percentage of approved local expenditure or other basis of computation.
			Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise.	
1.	2.	3.	4.	5.	6.	7.
			£	£	£	
UNEMPLOYMENT—*cont.*						
Capital works in respect of revenue producing undertakings.	Ministry of Health	Class V, Vote 2	550,000	—	—	Grants represent 50 per cent. of interest at an approved rate for periods not exceeding 15 years.
(*Scotland*) Capital works in respect of non revenue and revenue producing undertakings.	Scottish Office.	Class I, Vote 23.	180,000	—	—	On the same basis as in England and Wales.
(*Great Britain*) Wages Grants ...	Unemployment Grants Committee	Class V, Vote 6	60,000	—	—	Grants represent 75 per cent. of wages bill for unemployed men engaged on approved works of public utility put in hand expressly for the relief of unemployment.
		Total ...	£1,720,000	—	—	
MISCELLANEOUS.						
Afforestation	Forestry Commission	Class VI, Vote 11	600	—	—	Grants are made at rates up to £4 per acre according to the character of the Work
Collection of Local Taxation Licence Duties (*England and Wales*)	Ministry of Health.	Consolidated Fund.	—	60,000	—	Fixed grant out of assigned revenues in respect of cost of collection of local taxation licence duties, distributed in proportion to the duties collected in each area.
London Fire Brigade ...	Treasury	Class VII, Vote 14	10,000	—	—	Fixed annual contribution to London County Council in respect of services of London Fire Brigade.

Registration of Births and Deaths	Ministry of Health.	Consolidated Fund.	—	10,000	—	Fixed grants out of assigned revenues equal to the amounts paid by Boards of Guardians in 1888-89, out of Exchequer grants discontinued by the Local Government Act, 1888, towards the remuneration of Registrars.
Registration of Electors Compilation of Registers.	Treasury.	Class I, Vote 3.	190,000			Under the Representation of the People Act, 1918, the expenses of registration, as defined in that Act, are required to be met by the appropriate local authorities, who are to be reimbursed to the extent of one half of the amount so met, out of moneys provided by Parliament
Printing of Registers	Stationery Office	Class VII, Vote 15.	120,000	—	—	
						50 per cent.
Sundry Services (*England and Wales*)	Ministry of Health	Consolidated Fund.	—	20,000	—	Grants out of assigned revenues in respect of cost of administration of Exchequer Contribution Accounts and sundry other services.
		Total	329,600	90,000	—	
PART II.—GRANTS AND CONTRIBUTIONS NOT RELATED TO SPECIFIC SERVICES.	Commrs. of Inland Revenue.	Consolidated Fund.	—	—	700,000	In accordance with the provisions of the Tithe Rent Charge (Rates) Act, 1899 and the Tithe Act, 1925
	Ministry of Health.	"	—	4,773,000	—	In accordance with the provisions of the Agricultural Rates Acts, 1896 and 1923.
	Scottish Office.	"	—	624,000	—	In accordance with the provisions of the Agricultural Rates (Scotland) Acts, 1896 and 1923.
	Ministry of Health	"	—	2,463,000	—	Balance of assigned revenues not specifically allocated to other purposes
	Scottish Office.	"	—	10,000	—	Fixed grant out of assigned revenues allocated to Highland Counties on the basis of Exchequer grants paid to them in 1886-7.
	"	"	—	50,000	—	Fixed grant out of assigned revenues allocated to Parish Councils in Scotland in proportion to their population in 1911 and valuation in 1914
	"	"	—	204,000	—	Grants out of assigned revenues varying slightly in total from year to year allocated to County and Town Councils in Scotland in proportion to their population in 1921 and current valuation.
		Total ...	—	8,114,000	700,000	

—	Provided on Votes.	Paid through Local Taxation Accounts and/or Exchequer Contribution Accounts.	Paid otherwise.	TOTAL.
	£	£	£	£
Part I.—Grants related to specific services:—				
Agriculture ...	1,096,600	—	—	1,096,600
Education	42,982,000	1,268,000	—	44,250,000(b)
Housing	10,566,000	—	—	10,566,000
Mental Deficiency	685,000	—	—	685,000
Police ...	7,920,000	3,245,000	—	11,165,000
Poor Law	260,000	2,295,000	—	2,555,000(c)
Probation of Offenders	45,000	—	—	45,000
Public Health	3,410,000	425,000	—	3,835,000
Roads, Bridges, etc.	100	35,000	19,216,000	19,251,100
Unemployment	1,720,000	—	—	1,720,000
Miscellaneous	323,600	90,000	—	413,600
Part II.—Grants and contributions not related to specific services	—	8,114,000	700,000	8,814,000(d)
TOTAL ...	68,972,300	15,472,000	19,916,000	104,360,300

NOTES.—(a) The amounts representing assigned revenues shown above as charged on the Consolidated Fund include a sum of £2,634,000, the proceeds of local taxation licences levied by the Councils of Counties and County Boroughs in England and Wales, which do not in fact pass through the Consolidated Fund, but are paid directly into the Exchequer Contribution Accounts of the collecting authorities.

(b) Exclusive of amounts accruing to Poor Law authorities in the distribution of the grants and contributions included in Part II.

(c) " " " Education " " " " " "

(d) " contributions in lieu of rates on property in government occupation amounting to £2,179,000.

(8448—30) Wt. 7738—1586 1000 7/38 Hl. Bk. G. 304

MINISTRY OF HEALTH

Local Government Bill, 1928.

Explanatory Memorandum on the Provisions of the Bill.

Presented by the Minister of Health to Parliament by Command of His Majesty, November, 1928.

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MEMORANDUM ON THE LOCAL GOVERNMENT BILL, 1928.

INTRODUCTORY

The object of this Memorandum is to give a brief summary of the principal provisions of the Bill (other than those contained in Part VI. which are explained in the paper attached to the Bill). The course adopted is to give a consecutive account of the purpose of the Bill, and the various problems which have to be solved to give effect to it, with references to and a short description of the relative clauses at the appropriate points in the general account. It results that, though the notes mostly follow the order of the clauses, they do not invariably do so : nor is there in the notes a reference to every clause and sub-clause in the Bill.

2376. Wt. 15976 G. 2040. 20M; 11/28. Wy. & S., Ltd. Gp. 2.

PART I.—POOR LAW.

(1) This part of the Bill gives effect to the proposal of the Government, outlined in the White Paper Cmd. 3134, to transfer the responsibility for Poor Law Administration to Counties and County Boroughs, as a necessary accompaniment of the scheme of rating reform.

Clause 1 accordingly transfers, as from the appointed day (1st April, 1930, *see* Clause 112), the functions of Boards of Guardians to the Councils of Counties and County Boroughs comprising the unions for which the Boards of Guardians act. If a union overlaps two or more Counties or County Boroughs, it will be divided amongst them.

Clause 3 requires each County and County Borough Council, within a specified time after the passing of the Act, to submit for the Minister's approval a scheme of the administrative arrangements to be made for discharging its new functions.

(2) The Poor Law will thus be transferred to authorities which already provide services,* including institutions for medical treatment and other purposes, which overlap similar provision made by Boards of Guardians for persons who are destitute.

Clause 4 accordingly gives power to the Council to deal with destitute, as well as other, persons by means of the services which they provide under the special Acts mentioned in the Clause. It is left to the Council to determine whether they will or will not avail themselves of this power, subject always to the maintenance of their legal obligations in regard to the relief of destitution. The Lunacy Acts are excluded because it is proposed to deal separately with them in pursuance of the Report of the Royal Commission on Lunacy Law and Administration (Cmd. 2700).

Clause 4 (2) and (3) permits the County Council to make arrangements for cases appropriate for attention under the Education Act or the Maternity and Child Welfare Act, 1918, to be dealt with by those Councils of County Districts† which are separate education or maternity and child welfare authorities.

(3) Other classes of case (or, if the Council do not elect to avail themselves of the power given by Clause 4, all cases) which require

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* *e.g.* for tuberculosis, maternity and child welfare, mental deficiency, blind persons and the medical inspection and treatment of school children.

† County District means a non-county borough, or an urban or rural district.

public assistance for the relief of destitution will be dealt with under the Poor Law.

Clause 5 accordingly requires the Council to provide in its scheme (*see* Clause 3) for the establishment of a Poor Law Committee, called in the Bill the Public Assistance Committee, which may be either a new or an existing committee and may be assisted, if desired, by the inclusion of a minority of members not members of the Council, among whom women must be included. All business relating to the transferred functions, except raising a rate or borrowing money, will stand referred to this committee. It may also have executive functions delegated to it, so that it can give decisions without having to wait for confirmation by the Council.

(4) It is obvious that members of a County Council will not be able personally to deal with applications for Poor Law relief from all over the County, nor is it desirable that they should do so. Machinery is required for a more local consideration of such matters.

Clause 6 (1) (*a*) and (*b*) accordingly provides for the division of the County into areas of one or more County districts in each of which a sub-committee of the Public Assistance Committee (to be called the "Guardians Committee") of not more than 24 nor less than 12 members is to be set up, consisting of (1) members of the Councils of the County Districts in the area, nominated by the Councils; (2) the locally elected members of the County Council; and (3) members up to one-third of the total (among whom could be included Aldermen of the County Council) appointed by the County Council.

(5) It is not, however, intended that these Committees shall be responsible for the provision of institutional treatment or, except as explained below, for the management of institutions. One object of the proposals in the Bill is to secure that existing institutions shall be used and developed to the best advantage. This involves the setting apart of particular institutions in the County to serve particular classes of inmates or particular purposes, for some of which a highly qualified staff and highly specialized apparatus may be found to be required. The organization of the institutional service on these lines can only be undertaken by a body viewing the needs of the County as a whole. But it will still be for the Guardians Committees by arrangement to send applicants for relief to the institution provided to meet their special needs, and they will, if requested by the Public Assistance Committee, be enabled to visit, report on, or manage institutions.

Clause 6 (1) (*c*) accordingly enacts that provision is to be made in the County scheme for placing on the Guardians Committee the duty to

(i) consider and examine applications for relief;

(ii) determine the nature and amount of the relief to be given ;

(iii) determine what part of the cost of relief shall be recovered from the recipient or from those liable for his maintenance ;

(iv) inspect, report on, or manage a Poor Law institution in their area, if requested to do so by the Public Assistance Committee.

The transfer to the County of financial responsibility for the Poor Law necessitates the preservation of adequate control by the County Council, and the Guardians Committees will accordingly exercise the above functions subject to such restrictions or conditions as the County Council may impose.
The appointment and dismissal of officers will, moreover, remain in the hands of the County Council (proviso to Clause 6 (1) *c*).

(6) To minimise the possible risk of loss of touch or absence of understanding between the Guardians Committees and the central Public Assistance Committee.

Clause 6 (2) provides that a Guardians Committee shall be entitled to send a representative to participate in (but not to vote at) meetings of the Public Assistance Committee when business relating to its area is to be transacted.

(7) It has been shown that the prescribed organization of the administrative arrangements to be made by County Councils reserves to the County Council the control of all services requiring the provision of institutions, in order to ensure that the institutions may be used to the best advantage (para. 5). The position in County Boroughs is the same. It will, however, be necessary for the Councils of Counties and County Boroughs to make provision, as Local Authorities and Boards of Guardians now have wide power to do, for certain classes of case which are of regular occurrence, but relatively few in number. The most economical way of making this provision may well be a combination of two or more Councils for the purpose. It has, for instance, recently been found convenient and economical to make provision in one central institution in London for the radiological treatment of certain varieties of cancer. Experience has also shewn that the most effective control of vagrancy can be secured by the co-operation of authorities covering a wide area.

Clause 2 (1) and (2) accordingly gives power to Councils to move the Minister to make an Order for their combination, and to the Minister, after making himself acquainted with the views of the local authorities and ratepayers concerned, by Order to require two or more Councils to combine for any purpose connected with their new functions under the Act, where such combination would tend to diminish expense or would otherwise

be of public or local advantage. Sub-clauses (3) and (4) make provision for the administrative machinery necessary where combination takes place, and sub-clause (6) provides that any Order made by the Minister must be laid before Parliament and is subject to annulment on an address to His Majesty by either House of Parliament.

(8) In order that the knowledge and experience of local conditions, which have been acquired by local authorities, shall be available in the final settlement as well as in the actual operation of the scheme,

Clause 7 (1) provides that notice must be published by the County or County Borough Council in local newspapers that a scheme (see para. (1), note on Clause 3) has been submitted to the Minister for approval, that a copy of it is open to inspection, and that representations on it may be made to the Minister within four weeks of the publication of the notice.

Sub-clause (2) provides that the Minister must, before approving a scheme, consider any representations made to him by local authorities or other persons who appear to him to be interested.

Sub-clause (3) provides that, if a Council fails to submit a scheme, the Minister may himself make one, after consideration of any representations submitted to him by any local authorities.

[Clause 109 provides that schemes may not be revoked or varied except by a new scheme in the making of which the same safeguards are provided as in the making of the original scheme.]

(9) In County Boroughs also it may be necessary for the Town Council to seek the assistance of persons other than members of the Council in the actual administration of their Poor Law functions.

Clause 6 (4) therefore gives the Councils power to appoint Sub-Committees of the Public Assistance Committee, in which a minority of persons not members of the Council may be included.

Sub-clause (4) (ii) provides that the co-opted members shall include women, and that "regard shall be had to the desirability of including persons who are members of Poor Law authorities immediately before the appointed day, and other persons of experience in the matters delegated or referred to the sub-committee."

(10) The alterations in the arrangements for administering the Poor Law which have been outlined in the foregoing paragraphs call for some modifications in the personal position of those who are affected, whether as (*a*) administrators, or (*b*) beneficiaries, by the transfer of the Poor Law to Councils of Counties and County Boroughs.

(*a*) In addition to the grounds of disqualification for membership which are common to Boards of Guardians and to

County and County Borough Councils, the receipt of Poor Law relief within a specified period disqualifies a person for membership of a Board of Guardians.

This disqualification extends to persons who have received medical or surgical treatment in a Poor Law hospital, but if they had received similar treatment in an institution provided under one of the special Acts set out in Clause 4 no disqualification would have arisen.

Clause 9 accordingly extends to membership of Councils of Counties and County Boroughs and of the Public Assistance Committee and its Sub-Committees the disqualification due to the receipt of relief, but puts an end to the present disqualification in the case of medical or surgical treatment.

(*b*) Under the Poor Law there is an obligation on the Board of Guardians where possible to recover the whole or part of the cost of relief from the recipient or from the persons liable to maintain him. Public Health authorities, while they have a power to secure a recovery of this kind, are under no obligation to recover the cost of assistance given by them, *e.g.*, under their tuberculosis and maternity and child welfare schemes, and the practice followed differs in different parts of the country. Since it will be open to Councils of Counties and County Boroughs in future to elect to give assistance in suitable cases either under the Poor Law or under the special Acts, it might happen that repayment would be required from persons receiving assistance because they were destitute and had no option, but not from persons applying for it for their own convenience. Similar differences would arise between the position of similarly situated persons in different Counties or County Boroughs, according as the powers conferred on the Councils by Clause 4 were or were not exercised.

While the protection of the public health requires that a person suffering from an infectious disease should be given every inducement to seek hospital treatment, it is no less necessary that there should be no temptation to persons who can afford to pay the whole or part of the cost to look to public funds for free treatment and maintenance whenever they are ill. Nor is it desirable that the practice adopted in regard to the recovery of costs should vary in different localities.

Clause 13 accordingly provides that it shall be the duty of the Council to recover the whole or such part (if any) of the cost of maintenance (as defined in sub-clause 3) as the patient or those liable for his support can reasonably pay, in all cases where persons receive *institutional treatment*, otherwise than for infectious disease (which includes tuberculosis and venereal disease). The present power of

a local authority to recover the whole or part of the cost of assistance given under the Special Acts (other than institutional treatment as specified in the last sentence) remains unimpaired. Where treatment (or assistance) is given under the Poor Law, the Poor Law obligation to recover is left intact.

(11) Certain amendments of, or additions to, the law relating to the functions of local authorities are also necessary. These are not of great importance, but the following is a list of them :—

Clause 10 repeals the Unemployed Workmens Act, 1905, which has long ceased to be operative, except in one or two areas, and enables provision to be made for property held and officers employed by bodies set up under the Act.

Clause 11. Sub-clauses 1 and 2 confer on County Councils the powers possessed by local sanitary authorities to provide hospitals for the sick, and extends the power so as to include ordinary maternity cases. (It has been decided in the Courts that pregnancy *per se* is not sickness.) The Clause also confers on County Councils the power to make subscriptions to voluntary hospitals.

Sub-clause (4) removes the present restriction which prevents Mental Deficiency Committees from treating Poor Law mental defectives.

Sub-clauses (3) and (5) enable Public Health and Mental Deficiency Committees of County or County Borough Councils to appoint sub-committees, consisting wholly or partly of members of the Committees, and the first sub-clause gives the power (already existing in regard to the Mental Deficiency Committee and other committees under the Special Acts) to include in the Public Health Committee, to the extent of one-third, persons not members of the Council.

Clause 12 is necessary because certain members of Assessment Committees are now, but in future can no longer be, appointed by Boards of Guardians.

Clause 14 provides for the continuance in the case of County Boroughs of the audit of Poor Law Expenditure by the District Auditors. County Boroughs are thus placed in the same position as County Councils in regard to this class of expenditure.

(12) The following are the principal special provisions which apply to London—

Clause 15 (*a*) and (*b*) leaves it to the London County Council to make arrangements for the local administration of Poor Relief by their administrative scheme, which will be subject to approval by the Minister,

Sub-clause (*d*) provides that the London County Council shall absorb the Metropolitan Asylum Board.

Sub-clause (*f*) provides that the Common Council of the City and the Councils of the Metropolitan Boroughs shall be responsible for vaccination and registration.

(13) There remain two special cases to be dealt with. Some Boards of Guardians have special powers conferred on them by local Acts which would not conveniently be fitted into a County scheme, and some hold property for charitable purposes, intended to be of local application, which there is no case for transferring to the County. Other Boards of Guardians have been appointed by the Minister under his special powers, and it might be undesirable to bring these special arrangements to an end immediately on the passing of the Act.

Under Clause 16 accordingly, in the first class of case, the functions transferred to the Council of the County or County Borough will be functions of a Board of Guardians under the Poor Law Act, 1927, *i.e.*, under the general law. The clause further gives the Charity Commissioners power to make a scheme for the administration of charitable property vested in a Board of Guardians. And

Clause 17 gives power to the Minister, by Order, to postpone the transfer of Poor Law functions from Boards of Guardians appointed by him under his special powers until the 1st April, 1935, in respect of the whole or part of the Union which they administer.

Sub-clause (4) requires any Order made by the Minister under the Clause to be laid before Parliament and such Order may under the general provision in Clause 109 (3) be annulled on an Address to His Majesty by either House of Parliament.

PART II.—REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

This Part of the Bill covers much the same ground as a Private Member's Bill of last session which passed the House of Commons but was not, through lack of time, proceeded with in the House of Lords.

(14) Boards of Guardians have vested in them some limited functions in regard to the appointment of superintendent-registrars and registrars of births and deaths, and to the payment of certain fees and expenses. It is not however feasible, on transferring the functions of the Guardians to the Councils of Counties and County Boroughs, to alter existing registration areas at one stroke, so that they shall not overlap County and County Borough boundaries, because of the difficulties which would thereby arise in connection with the next census.

Clause 18 accordingly transfers to the Councils of Counties and County Boroughs the functions of Boards of Guardians under the Registration Acts, but without, for the time being, disturbing the area of existing districts.

(15) The registration service is a national service requiring precise uniformity of practice throughout the country. Close control of the officers by the Registrar-General is, therefore, essential; but neither the Registrar-General nor anyone else has power to determine their remuneration, which, apart from any bonus which may, as an act of grace, be given to them by Boards of Guardians, is derived entirely from the fees paid to them. The scale of fees, which bears no relation to the trouble and responsibility involved in the services for which they are payable, causes further hardships on account of the unequal demand for the more remunerative services; and changes in the distribution, inclination to marriage, fertility and longevity of the population, have in places reduced the receipts from fees to the point at which they scarcely more than repay the expenses of earning them.

Clause 19 (1) and (2) accordingly puts all new appointments on a salaried basis, and gives existing registration officers the right to become salaried.

Sub-clause (3) gives the Council the right to fix salaries and conditions of service, and provides that all fees shall be paid over by salaried officers to the Councils.

(16) If the result of paying registration officers by salaries instead of by fees is that the payments made to them are greater than the amount of the fees surrendered, the charge would, unless there were an increase in the receipts from fees, fall entirely upon the rates.

There is reasonable ground on the merits for some increase in the scale of fees and, as the occasions upon which any member of the public can require the services of the registrar are strictly limited, such increase should not involve hardship.

Clause 20 (1) accordingly gives power to the Minister, by order, to increase the fees by not more than 50 per cent.

Sub-clause (2) requires officers remaining on a fee-earning basis to hand over to the Local Authority that part of the total fees received by them which is due to any increase in the scale made under sub-clause (1).

(17) The transfer to the Councils of Counties and County Boroughs of the limited functions of Boards of Guardians under the Registration Acts permits, and the system of payment by salary requires, a more convenient local organization of the service than is possible when each registration district and sub-district is confined within the limits of a single union. It will be possible not only to place enlarged districts and sub-districts hereafter under two or more officers with concurrent powers (which is impossible when officers are paid by fees), but also to arrange the districts in such a way as to combine registration duties, where they do not need full-time officers, with other duties of local officials. For example the registration of marriages, births and deaths could in many cases be very suitably combined with the work of electoral registration for which the Clerk of the County Council or the Town Clerk of the County Borough Council is responsible. As the head of the Council's administrative services, it is appropriate that this officer should exercise the powers now wielded by the Registrar-General in matters which relate to the local disposition and organization of the service. It will not be possible to disturb the existing system or areas before the Census of 1931 is taken, because the local arrangements for the Census will be in an advanced stage of preparation by the spring of next year.

Clause 21 requires the Councils of Counties and County Boroughs before the 1st April, 1932, to prepare a scheme, for the Minister's approval, of the local establishment and organization of registration personnel, which will otherwise remain, so far as relates to the performance of their registration duties, under the control of the Registrar-General in order that the necessary uniformity of practice may be maintained throughout the country.

Sub-clause (2) provides that the Clerk to the County Council, and the Town Clerk of the County Borough Council, shall be the officer responsible for supervising the local administration.

Sub-clause (4) secures to interested officers the right to have any representations they may make considered by the Minister before a scheme is approved.

Sub-clause (5) gives the Registrar-General power, after consultation with the Council, to make a scheme for the approval of the Minister if the Council fail to make one.

(18) By an Act passed in 1858 the salary of the Registrar-General was fixed at £1,200.

Clause 22 meets the present situation by providing that the salary of the Registrar-General shall be such as may be determined by the Minister of Health with the approval of the Treasury.

(19) Inconvenience is often caused to members of the public by the necessity (unless they have since removed from the district) of attending to register births and deaths at the office of the registrar for the sub-district in which the event took place. In many cases some other registrar is more easily accessible. Any modification of the existing practice in connexion with the registration of deaths and still-births is complicated by the need for medical and other certificates and certain unavoidable formalities.

Clause 23 (1) permits births to be registered by means of a declaration to a prescribed registrar who is not the registrar of the sub-district in which the birth occurred.

Sub-clause (5) gives the Minister power to make or approve regulations extending this modification of the present procedure to the registration of deaths and still-births.

(20) In the application of this part of the Bill to London :—

Clause 24 provides that the functions of Boards of Guardians shall be transferred to the Common Council of the City of London and to the Councils of Metropolitan Boroughs and not to the London County Council.

PART III.—ROADS AND TOWN PLANNING.

Roads.

(21) This Part of the Bill provides for the transfer to County Councils of :—

(*a*) all highway powers of Rural District Councils, and
(*b*) all classified roads in Urban Districts and non-county Boroughs.

The general considerations on which the proposals in relation to highways in this Part of the Bill are based are indicated in the White Paper Cmd. 3134, paragraphs 11 to 13.

Urban authorities with a population of over 20,000 persons are to be entitled to claim to maintain the " county " roads in their districts, all approved expenditure on the roads to be repaid by the County Council.

In other urban areas and in Rural Districts the County Council are to be empowered to arrange with the local councils for the carrying out by the latter of the road functions of the county council as agents of the County Council. A statement is to be submitted to the Minister of Transport by each County Council shewing their proposals in this respect, and if delegation of functions in respect of unclassified roads is refused to a Council of a County District, the latter will have a right of appeal to the Minister.

(22) The functions of County Councils in relation to main roads differ in some respects from the functions of District Councils in relation to roads vested in them, and it is therefore necessary that the Bill should define precisely the powers and duties of County Councils with regard to the roads to be transferred to them.

Clause 26 provides that County Councils shall have in relation to all roads transferred to them the same functions that they now have with respect to main roads. Some of the roads to be transferred to the County Councils will be of comparatively small importance and could not be called main roads as the term is ordinarily understood. In order to preserve uniformity and avoid an inappropriate nomenclature, the clause accordingly provides that all roads vested in the County Council (including the present main roads) shall as from the appointed day be known as " county roads."

(23) Rural District Councils are to cease to be highway authorities.

Clause 27 (1) provides that every County Council shall be the highway authority in Rural Districts within the County both as regards highways repairable by the inhabitants at large

and those not so repairable. The Rural District Councils will cease to be highway authorities but the sub-clause provides for their retention of their functions in regard to the protection of rights of way and roadside wastes and they will in this matter exercise concurrent functions with the County Councils.

The functions to be exercised by County Councils as highway authorities in Rural Districts are defined in the sub-clause as all such functions as were exercisable by a Rural District Council who under the Local Government Act, 1894, became successors to a highway board.

(24) There are certain functions relating to highways or streets, the most important of which are those exercisable (under the Public Health Act, 1875, or the Private Street Works Act, 1892) with regard to private streets, which are not included in the functions formerly exercisable by highway boards and so are not vested in County Councils by Clause 27 (1).

Sub-clause (2) of Clause 27 accordingly provides that in Rural Districts County Councils shall exercise functions under the enactments mentioned in Parts I and II of the First Schedule to the Bill, subject to the modifications therein mentioned.

Sub-clause (3) of the Clause provides that Rural District Councils shall no longer exercise functions under the enactments mentioned in Part I of the First Schedule, or under Section 150 of the Public Health Act, 1875 (which relates to private street works), and shall exercise functions under the enactments mentioned in Part II of the Schedule concurrently with the County Council, but only with the County Council's consent.

(25) It is not intended that the powers of Rural District Councils to make byelaws under Section 157 of the Public Health Act, 1875, with respect to the level, width and construction of new streets should be transferred to the County Councils, but such byelaws will obviously concern the County Council who, under the provisions of the Bill, will have powers with regard to such streets.

Sub-clause (4) of Clause 27 accordingly provides that before making byelaws under this section a Rural District shall consult with the County Council. It also enables a County Council to exercise this power themselves if a Rural District Council refuse to do so at their request.

(26) All classified roads in Urban Districts and non-county Boroughs are to be transferred to County Councils.

Clause 28 (1) effects this transfer as from the appointed day. The transferred roads will be " county roads."

Clause 28 (2) makes similar provision in respect to roads in Urban Districts and non-county Boroughs, which become classified roads after the appointed day.

Certain functions appropriate to the highways in Urban Districts to be transferred to County Councils under Clause 28 are exercisable by urban authorities, but are not included in the functions at present exercisable by County Councils in respect to main roads.

Sub-clause (5) of Clause 28 accordingly vests in County Councils, so far as county roads in Urban Districts (other than claimed roads) are concerned, functions under the enactments mentioned in Parts III, IV and V of the First Schedule, and makes provision, according to the nature of the functions, for their exclusive exercise by the County Council or for their concurrent exercise by the District Council with or without the County Council's consent.

(27) Under the Local Government Act, 1888, when the County Councils became responsible for main roads, any urban authority had a right to claim to maintain a main road within 12 months, either after the appointed day under that Act or after the "maining" of the road. It is intended, in accordance with the unanimous recommendations of the Royal Commission on Local Government, which included representatives of the principal Associations of Local Authorities, and whose report has recently been published (Cmd. 3213), that this right should be exercisable by the larger urban authorities in relation to main roads in their areas, whether or not they have already made a claim under the 1888 Act.

Clause 29 (1) accordingly provides that any urban authority, the population of whose area exceeds 20,000 according to the last census for the time being, may claim to maintain and repair any county road within their district within the time limited by sub-clause (2) of the Clause.

Clause 29 (5) terminates the existing right under the 1888 Act to maintain and repair a main road in the case of urban authorities with a population of not more than 20,000 according to the 1921 census. The sub-clause also provides that, where an urban authority who are entitled to claim under this Act have already claimed under the 1888 Act in respect of a road, they shall not have to make a fresh claim in respect to the road.

The Act of 1888 makes no provision for the relinquishment by an urban authority of the right to maintain and repair a main road, and the lack of such a provision is occasionally found to be inconvenient.

Clause 29 (4) accordingly provides for the relinquishment by an urban authority, with the consent of the County Council, of the right to maintain and repair a county road, with a right of appeal to the Minister of Transport if the County Council refuse their consent.

(28) The claiming of a main road by an urban authority did not under the 1888 Act, and would not under the present Bill, relieve

a County Council of their financial obligations with respect to the maintenance and repair of the claimed roads. The 1888 Act, however, did not in terms make a County Council liable to make any contribution to an improvement of a claimed road which was not connected with maintenance and repair. This is now laid down by—

Clause 30 (1) which details the financial liabilities of County Councils in relation to claimed county roads and provides for the settlement by the Minister of Transport of disputes arising in connexion with the payment of the cost of improvements not connected with maintenance and repair. Sub-clauses (2) and (3) provide for the submission of estimates and their approval by the County Council.

Sub-clause (4) provides generally for the settlement by the Minister of Transport of disputes as to liabilities arising under the clause.

(29) Apart from the powers of the larger urban authorities to claim to maintain county roads under the provisions of Clause 29 it is provided, in accordance with the recommendationsof the Royal Commission on Local Government, that it shall be the duty of the County Council to delegate the maintenance, repair, &c., of unclassified county roads to District Councils, unless they are able to satisfy the Minister of Transport that such delegation is undesirable in the particular case. It is further provided that County Councils may also at their discretion delegate such functions in respect to classified roads.

Clause 31 (1) provides that any District Council may within three months of the passing of the Act apply to the County Council for the delegation to them of the maintenance, repair, &c., of—

(*a*) all unclassified roads in the district, and
(*b*) all or any of the classified roads.

As regards (*a*) it will be the duty of the County Council to grant the application unless they are satisfied, having regard to economy and efficiency in highway administration throughout the county and in view of the circumstances of the district, that the application should be refused (Sub-Clause 2). The County Council will, however, have unfettered discretion to grant or refuse an application in respect of classified roads (Sub-Clause 3).

Sub-Clauses (4) and (5) provide that the County Councils before the 1st October, 1929, are to submit to the Minister of Transport, and also to each District Council that has made an application under Sub-Clause (1), a statement showing how the various applications have been dealt with, and, if an application in respect of unclassified roads has been refused, specifying the

grounds of refusal. A District Council whose application in respect to unclassified roads has been refused would be able to appeal within a month to the Minister of Transport, who would be empowered to direct the County Council to grant the application.

Sub-Clause (6) provides that any District Council to whom delegation has not been made may make application for such delegation at the end of the quinquennial periods referred to in the sub-clause, or, with the consent of the Minister of Transport, at any other time.

Sub-Clause (7) deals with the relinquishment of delegated functions by District Councils who no longer wish to exercise them.

Sub-Clause (8) provides for the determination by a County Council of any delegation of functions to a District Council subject in the case of functions relating to unclassified roads to a right of appeal by the District Council to the Minister of Transport.

(30) It is necessary that the Bill should define the relations between a County Council and a District Council which is exercising delegated functions, and should determine the conditions under which such functions should be exercised.

Clause 32 (1) accordingly provides that in discharging delegated functions the District Council shall act as agents and not as principals. The works to be executed, and the expenditure to be incurred in connexion with the maintenance, repair, &c., of roads, will be subject to the approval of the County Council. The works must be completed to the satisfaction of the County Council. If the County Council are satisfied that any portion of a road in respect to which functions have been delegated is not in proper repair, they may, after giving due notice, themselves do anything that seems necessary to place the road in proper repair.

Sub-clause (2) provides that, where functions are delegated to a District Council under the provisions of Clause 31, the District Council shall discharge as agents of the County Council functions under the enactments mentioned in Part I (in Rural Districts) or Part III (in Urban Districts) of the First Schedule, except so far as those functions relate to roads in respect to which functions are not delegated to the District Council. The most important effect of this sub-clause would be that where the County Council's highway functions in respect of unclassified roads had been delegated to a Rural District Council, the latter would also exercise as agents the County Council's powers under the Private Street Works Act, 1892. The conditions of delegation in the case of these functions are less rigid than

those in regard to the exercise of the purely highway functions of maintenance, repair, &c., and District Councils would have the same powers of raising money for the purpose of meeting expenditure not properly chargeable to the County as if they had been directly invested with functions under the various enactments referred to in Parts I and III of the Schedule. The reasons for giving more latitude as regards the scheduled functions are that (*a*) speaking generally, the cost will fall not upon the county ratepayers, but upon particular individuals, *e.g.*, frontagers to private streets, and (*b*) these functions are to some extent linked up with the ordinary public health functions of Rural District Councils.

(31) Provisions consequential on the transfer of the highways under this Part of the Bill are contained in Clauses 97, 98 and 100, which are dealt with in the notes on Part VII of the Bill.

Town Planning.

(32) The making of adequate provisions in regard to highways plays an important part in town planning, and, since the road powers of County Councils will be widely extended by the preceding Clauses (*see* especially paragraph (21)), it becomes essential that the position and powers of these authorities in town planning should be properly defined. At present County Councils have no powers of taking any formal part in the preparation and administration of town planning schemes—a state of affairs which, even apart from the present proposals, has been shown by experience to be unsatisfactory.

Clause 33 accordingly empowers County Councils by agreement to act jointly with other local authorities in preparing or adopting town planning schemes and to be represented on joint committees that already exist for the purpose.

(33) Difficulties sometimes arise in connexion with joint town planning committees because particular district councils whose participation is essential for a proper scheme will not take part in the committee. Similar difficulties may conceivably hamper the exercise by County Councils of their new powers under Clause 33, and since, for reasons explained in paragraph (32) in the note on that Clause, the participation of the County Council may be essential, it is necessary to provide a way of meeting such difficulties should they arise.

Clause 34 accordingly empowers the Minister, after holding a local inquiry, unless all the authorities concerned are in agreement, to constitute a joint town planning committee by Order.

Clause 35 (1) provides that a County Council may be made the responsible authority for carrying out appropriate duties, more particularly in connexion with roads, under a town planning scheme, and

Sub-clause (2) that, where under a scheme approved before the appointed day, a Rural District Council are the responsible authority as regards any functions relating to roads, streets or building lines, the County Council shall, as from the appointed day, be the responsible authority as regards those functions. Provision is, however, made enabling the Minister, by Order, to except from the transfer such functions as he thinks fit or to provide for the exercise by the Rural District Council, subject to such conditions as may be imposed, of any of the functions so transferred.

(34) Under the existing law, Councils of Boroughs and Urban Districts with a population of over 20,000 are required to submit town planning schemes to the Minister by 1st January, 1929. The situation under existing statutes is profoundly modified by the proposed transfer of roads to County Councils and by the development of the movement towards regional planning. It is considered that an extension of the period for the submission of town planning schemes is requisite and

Clause 37 accordingly extends the period to 1st January, 1939.

PART IV.—MISCELLANEOUS LOCAL GOVERNMENT PROVISIONS.

(35) After an exhaustive examination, the Royal Commission on Local Government found a number of defects in local government arising either out of the varying size and financial resources of different districts or from the fact that the particular form of local government in operation in an area was no longer suited to its character. For instance, on the 1st April, 1927, there were 65 Boroughs, 264 Urban Districts and 101 Rural Districts where a penny rate produced less than £100 ; none of these 430 areas had a population exceeding 5,000. These anomalies will be emphasised by the loss of rateable value from derating, and the need for reorganization already recognised by the Royal Commission will be increased still further by the transfer of poor law and highways to the County Councils.

Accordingly, the Government, in this part of the Bill, following the unanimous recommendations of the Royal Commission, have framed a comprehensive scheme for the adjustment and reorganisation of areas, and have made provision for other improvements.

Clause 39 requires every County Council, as soon as may be after the passing of the Act, after conference with representatives of County Districts, to make a review of all districts wholly or partially within the county, and before the 1st April, 1932, submit to the Minister such proposals as they think desirable for alterations of boundaries, unions of districts, the conversion of Rural Districts into Urban or vice versa, or the formation of new districts (Sub-clause (I)). Provision is made for full publicity to be given to these proposals and for representations to be made to the Minister by interested parties. (Sub-clauses 3 and 4.) Proposals may include alterations of the boundaries of non-County Boroughs and agreed alterations of the boundaries of County Boroughs. (Sub-clause 2.) The Minister may either make or refuse to make an Order giving full or partial effect to the proposals after consultation with the District Councils, but a Local Inquiry must be held before a decision is given if a Local Authority objects to a proposal. Orders so made are to be laid before Parliament. Power is also given to the Minister, after consultation with the local authorities, to make proposals himself if the County Council have failed to do so. (Sub-clause (5)).

Clause 40 provides for the making of subsequent periodical review by County Councils after an interval of not less than ten years after the first review, and of consequent Orders by the Minister. In case, however, of objection by a borough to any proposal affecting it, the Order will be Provisional only until confirmed by Parliament.

Clause 41 preserves, with some amendments which experience has shown to be desirable, the existing powers of County Councils to effect alterations of the boundaries of Urban and Rural districts during the period between two reviews.

(35A) At present there are a number of districts which are divided by county boundaries, and some parts of districts are wholly detached from the rest of the county. At present also even agreed alterations of the boundaries of County Boroughs can be made only by Provisional Orders.

Clause 42 (1) accordingly provides means for the necessary adjustment of the boundaries of Counties and

Sub-clauses (2) and (3) for the agreed alteration of the boundary between a County and a County Borough to be made on the joint representation of the Councils concerned by Order of the Minister.

(36) Even after the transfer of services and the rearrangement of local government areas provided for in Parts I and III and in the present Part of the Bill respectively, some among the smaller classes of authorities will remain of necessity financially weak in comparison with the larger. In particular, the provision of water supplies and of sewerage (which may be primarily required for the protection of the water-supplies of some other area) is frequently a heavy burden on the parishes which by statute have at present to bear the whole cost. In such cases it seems fair that the authority of the larger area in whose territory lies the area for which provision has to be made should be empowered to contribute to the cost. In the last resort it may be desirable to enable the Council of the County District to divest themselves, or even, in the case of serious default, to deprive them of the responsibility for such services.

Clause 44 (1) accordingly provides that a Rural District Council may contribute as part of their general expenses towards the defrayment of " special expenses "—*i.e.*, expenses for water, sewerage, &c., which would at present usually be levied on a parish or combination of parishes and not on the district as a whole.

Clause 45 (1) empowers County Councils to contribute towards expenditure incurred by a county district in connexion with sewerage or water supply, and

Sub-clause (2) provides that a District Council may by agreement with the County Council relinquish in favour of the latter any of its public health functions.

Under Sub-clause (3), in case of default on the part of a county district to perform a public health function, the Minister is given power, after holding a local inquiry, by Order to transfer the function to the County Council.

(37) Under the Public Health Act, 1875, the Minister has power to combine two or more county districts for the purpose of appointing a single medical officer of health. This power is used to make the employment of whole-time officers possible. Another way of achieving this object is the appointment of an officer who is at the same time an assistant county medical officer. But on the 31st March, 1927, out of 1,686 County District Councils, only 505 employed a medical officer of health who gave his whole time to public duties; the remaining 1,181 employed private practitioners. For all classes of local authorities the proportion of whole-time appointments of medical officers has only advanced from about a quarter to something over a third in the last half century. The Royal Commission were impressed with the need for quicker progress and

Clause 46 accordingly provides that County Councils shall, in consultation with their county districts, formulate arrangements, by combination of districts for the purpose or otherwise, to secure that every medical officer of health subsequently appointed for a district shall be debarred from private practice; in case of default the Minister may formulate the necessary arrangements himself. Provision is made for waiving in exceptional cases the condition that whole-time service shall be given.

(38) Clause 47 makes statutory the power which the Minister has hitherto exercised of regulating the standard of qualifications for medical officers of health and health visitors.

(39) The Royal Commission recommended that the local authorities who administer the school medical service should be empowered to represent to the Minister that they should also administer maternity and child welfare work within the areas for which they are local education authorities, in order that there may be continuity in the supervision of the health of children before and after reaching school age. At present there are 159 maternity and child welfare authorities who are not school medical authorities, and 26 school medical authorities (outside London) who are not maternity and child welfare authorities.

Clause 48 accordingly provides that where in any district any service under the Maternity and Child Welfare Act, 1918, is being carried on by a Council which is not the local education authority for the district, the Minister may, on representations being made to him by the local education authority, withdraw his sanction to the arrangement and provide for the transfer of the maternity and child welfare service to the local education authority.

(40) It is plainly desirable that notifications of births should be sent in every case to the local maternity and child welfare authority. At present the latter may obtain an Order from the Minister to secure

this, but a number of authorities have neglected to make the necessary application.

Clause 49 therefore empowers the Minister to make the necessary Order even if the Council concerned have made no application for it.

(41) The responsibility for supervising midwives at present rests, with a few exceptions, on the Councils of Counties and County Boroughs. But those Councils of County Districts which have maternity and child welfare schemes, and have established ante-natal clinics and maternity homes, are deeply interested in the supervision of midwives, and are desirous that the work of the midwives should be supervised by them and not by the County Council.

Clause 50 accordingly permits the Council of a County District which is a maternity and child welfare authority and employs a medical officer of health who is not in private practice, to apply to the Minister for an Order transferring to them the supervision of midwives, if, in his opinion, the circumstances justify it.

Under Sub-clause (2) an Order may be revoked by the Minister at any time.

(42) At present both County Councils and Councils of County Districts may provide hospitals for the treatment of infectious diseases, but in some parts of the country there is a serious deficiency of accommodation of this kind. Under Part I of the Bill practically the whole of the public institutions in a county will pass into the control of the County Council, and some of the existing institutions may be suitable for use as infectious diseases hospitals. As the provision of hospitals for infectious diseases is, and will remain, a function of the Councils of County Districts also, the County Council should be able to foster co-operation between the authorities owning the hospitals and also to secure that adequate accommodation is available for this purpose. This provision will round off the power given to County Councils under Part I to secure the proper classification of institutional treatment with a view to the efficient use and development of the institutions.

Clause 51 (1) accordingly lays upon every County Council the obligation of making a survey of the hospital provision for infectious diseases throughout the county.

Sub-clause (2). When the survey is complete, the Council, in consultation if necessary with the Council of any adjoining County Borough, must prepare a scheme for providing adequate hospital accommodation for infectious diseases.

Sub-clauses (3). The scheme may provide for the joint use of institutions owned by individual authorities, and for the provision of additional accommodation by the County Council.

Sub-Clause (4). Where the Council of a county district fails to provide the accommodation required from them under the scheme the Minister may transfer the functions of the Councils of the local authorities under the scheme to the County Council, to be exercised by them at the cost of the local authority.

Sub-clauses (5) and (6). Schemes will not be effective until approved by the Minister, and in case of default the Minister may himself make a scheme. The clause contains the usual provisions for securing consultation with the interested local authorities at all stages.

(42) (*a*) Clause 52 enables the Minister, on application from the London County Council or of any Association or Committee which is in his opinion representative of the Metropolitan Borough Councils, to provide by Order, subject to certain conditions as to consultation, for the transfer to all the Metropolitan Borough Councils of any functions exerciseable by the London County Council (other than functions transferred to them under Part I of the Bill) or for the exercise of any such functions by the Metropolitan Borough Councils as agents for the London County Council. The clause is included as the result of representations on the subject from both the London County Council and the Metropolitan Boroughs Standing Joint Committee. An Order may extend to the Common Council of the City of London, if they consent.

PART V.—RATING AND VALUATION.

(43) The Rating and Valuation (Apportionment) Act was passed last session in order (to quote the long title) "to make provision, with a view to the grant of relief from rates in respect of certain classes of hereditaments, for the distinction in valuation lists of the classes of hereditaments to be affected and the apportionment in valuation lists of the net annual values of such hereditaments according to the extent of the user thereof for various purposes." Under it, special valuation lists are at present in course of preparation which will contain particulars about (*a*) agricultural land* and agricultural buildings, (*b*) industrial premises, and (*c*) freight transport premises, so as to distinguish the parts qualified by their user for relief from the parts not so qualified. But some further enactment is required in order to give the actual relief which has been promised, in addition to the statutory relief already enjoyed by certain classes of hereditament.

Clause 54 accordingly provides that after the appointed day (1st October, 1929, see Clause 112) agricultural land and buildings shall be wholly exempt from rates and that they shall be excluded from valuation lists coming into force after that date.

Clause 55 provides that after the 1st October, 1929, industrial and freight transport properties (or those parts of such properties which are occupied and used for industrial or transport purposes) shall be rated on one quarter only of what would otherwise have been their rateable value.

Under the proviso to sub-clause 1(*b*) existing reliefs are preserved.

Sub-clause (2) is designed to meet a case where, instead of the usual two half-yearly rates, a local authority levies a single yearly rate or a rate overlapping the date (1st October, 1929) when derating is expressed to take effect. It secures the ratepayer whose assessment is reduced on that date against having to pay more than he would in the normal case and enables him to recover anything which he may have paid in excess of the sum so due.

Clause 56 provides the necessary machinery for the alteration of Valuation Lists after the appointed day, so as to secure the proper classification of hereditaments which become, or cease to be, agricultural, industrial or freight transport hereditaments after that date.

* Including by definition not merely meadows and pastures but woodlands, and poultry farms and cottage gardens which exceed a minimum size.

(44) During the passage of the Rating and Valuation (Apportionment) Act, 1928, a promise was given that provision should be made for the assessment of houses and cottages occupied in connexion with agricultural land by persons engaged thereon, on the basis of their letting value as such and not on the basis of their letting value as ordinary dwelling-houses, which might be materially higher, thus preserving the principle laid down in the Agricultural Rates Act, 1896, which is to be repealed.

Clause 57 makes provision accordingly.

(45) Various general enactments fix the maximum amount of debt which different classes of local authorities may incur, the limits being based on the rateable or assessable value of their areas. Parliament has in fact relaxed the original limits by the exemption from them of loans for various services, and they will be rendered obsolete as a result of derating. In all the circumstances it is considered best to remove them altogether, and to rely for the future on other (and more effective) safeguards against extravagance, such as the sanctions for loans which have to be obtained from Parliament, or from the appropriate Government Department.

Clause 58 accordingly repeals all enactments imposing on local borrowing powers a limit based on rateable or assessable value.

(46) Derating will also affect the operation of existing Acts imposing on local authorities' expenditure for particular purposes* limits expressed in terms of the produce of a specified rate in the pound.

Clause 59 accordingly provides that the existing limits shall operate as if the specified poundage were increased by a third, and power is conferred on the Minister to make a further increase to meet exceptional cases.

(47) The rateable value of hereditaments has in the past been used in many areas as the basis for the levying of water rates and land drainage rates. In the case of industrial hereditaments the rateable value, which was formerly the same as net annual value, will be reduced by 75 per cent.

In the case of agricultural land and buildings the rateable value will disappear altogether.

Certain adjustments are therefore necessary in connexion with water rates where these are levied on the "rateable value," and with drainage rates which are levied in certain areas for the improvement or protection of land by means of flood-embankments, &c. In the first case, it is fair that water should continue to be paid for by the occupiers of derated properties on the same basis as other

* Such as advertisement or the provision of allotments.

consumers where that is the case at present. In the second case, which mostly affects agricultural land, it is necessary to provide an alternative basis for raising these rates where they are now raised on rateable value, since agricultural land will cease to appear in the valuation list after derating.

Clause 60 accordingly substitutes net annual value for rateable value in existing enactments relating to the fixing of water rates, with a provision for the settlement of the basis of charge by Justices, in accordance with the procedure under the Waterworks Clauses Act, in cases where the required value is not to be found in the valuation list.

Clause 61 substitutes "annual value for income tax purposes," *i.e.*, the Schedule "A" assessments, for "value for rating purposes" in enactments relating to the fixing of drainage rates.

(48) Other amendments of existing enactments affected by derating included in this Part of the Bill are

Clauses 62 and 64, which make certain consequential provisions necessitated by the modification or disappearance from the valuation lists of values hitherto used in determining qualification for jury service and the franchise respectively.

(49) Under the Welsh Intermediate Education Act, 1889, a Treasury Grant is payable in aid of schools subject to schemes under that Act, limited for each County and County Borough to the amount produced by a rate of one halfpenny in the pound. As the provisions of this Bill might otherwise materially affect the grant-limit, Clause 65 provides for its stabilisation at the amount which was payable in the standard year. This is an education grant, and the Clause accordingly also provides that its administration shall be transferred from the Treasury to the Board of Education.

Under the Education Act, 1918, the Central Welsh Board for Intermediate Education have power to levy upon the Counties and County Boroughs yearly sums not exceeding in each case twenty-two and a half per cent. of the sum produced by a rate of one halfpenny in the pound for the preceding year. As this limit also might be affected by the provisions of the Bill, the principle of stabilisation is again applied.

PART VI.—EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS.

Explanatory notes on this Part are contained in the paper attached to the Bill.

PART VII.—PROPERTY LIABILITIES AND OFFICERS.

(50) The transfer of the Poor Law to the Councils of Counties and County Boroughs under Part I of the Bill makes it necessary to provide for the disposal of the assets and liabilities of the Poor Law Authorities. In view of the arrangements proposed for County Districts under the financial part of the scheme, it is thought sufficient to provide only for adjustments as between Counties and County Boroughs which contain parts of one existing union area. The new Poor Law Authorities will take over from each union within their own area the property of the Guardians, together with their liabilities.

Clause 93 with the Sixth Schedule accordingly provides for the transfer of the property and liabilities of Boards of Guardians to the Counties and County Boroughs which are their successors in function. Provision is made for adjustments in respect of property and liabilities, where the Councils concerned so desire, if the present Poor Law area is not wholly within a single County or County Borough. Provision is also made for joint user of institutions.

(51) A special question arises as regards the outstanding debts of certain Boards of Guardians due to prolonged local unemployment or the difficulties caused by the dispute in the coal trade in 1926. It is estimated that these debts will on the 1st of April, 1930, amount to £6,150,000 spread over 22 unions. It is proposed that, on the transfer of the loans to the Counties and County Boroughs, a generous settlement of the matter shall be made, so that the final liquidation of the loans can be secured without imposing hardship on the new authorities, and in the case of Counties, without the need for adjustment between areas in the Counties.

Clause 94 accordingly provides that no further interest shall be paid on loans of this kind owing to the Minister, and that the maximum period for repayment of the principal, which is now 10 years from the date of the loan, shall be extended to 15 years from the 1st April, 1930 (Sub-clause (1) (*b*)). Where such loans are owing to other creditors, the new authorities will receive a grant for 15 years equivalent to the interest that would have been excused if the loans had been owing to the Minister (Sub-clause (1) (*c*)). Where the annual charge for repayment would amount to more than a shilling rate after

derating, the amount repayable will be reduced to the equivalent of a shilling rate (Sub-clause (1) (*d*)). Safeguards are provided against Guardians taking unfair advantage of these concessions before the date of transfer (Sub-clauses (1) (*e*), (2) and (3)).

(52) Boards of Guardians at present hold certain "parish" property, some of it dating back to the period before 1834 when the parish was the unit for Poor Law administration. They also have property and liabilities for the purposes of the Registration Acts.

Clause 95 accordingly provides for the transfer of " parish " property in urban areas to the Borough or District Council, and in rural areas to the Parish Council, or, in small parishes, the representative body of the parish, and gives the new authorities power to let or dispose of such property. [*See* also Schedule VII.]

Clause 96 provides for the transfer of property and liabilities held for the purposes of the Registration Acts to the appropriate County or County Borough Council.

(53) Provision is also necessary for the transfer to County Councils of assets (including land acquired for improving roads, unexpended balances of loans and sinking funds) and liabilities related to transferred roads.

Clause 97 accordingly provides for the transfer of these assets and liabilities to the County Council. (Land acquired for the improvement and development of frontages will remain the property of the District Council. Sub-clause (1) (*a*).)

Clause 98 provides that, if a Rural District Council so require, the County Council is to take over at a valuation any quarry, plant or materials belonging to the District Council as highway authority, or any depots used by the District Council exclusively in that capacity.

(54) In the case of the transfer of, and compensation to, Poor Law and highway officers, it has been decided to follow in general the precedent set in the case of officers similarly affected by the Rating and Valuation Act, 1925.

Clause 99 provides for the transfer of Poor Law officers to the appropriate County or County Borough Council. Where they are attached to a particular institution or district, they will pass into the service of the Council to which the institution or district is transferred. In other cases, if the union is divided up between one or more Councils; the Councils must agree, or failing agreement, the Minister must determine, to which Council any officer is to be transferred.

Clause 100 makes similar provision for the transfer of road officers of Rural District Councils to the appropriate County Council. Provision is however made for their retention by District Councils where, under Part III of the Bill, functions as to any county roads are delegated to them, or for the joint user by both Councils of the services of officers.

Clause 101 safeguards the existing tenure of transferred officers and provides that they shall receive not less remuneration while performing similar duties.

Clause 102 safeguards the existing tenure of registration officers, and provides that for superannuation purposes they shall be deemed to be officers of the Council to which the registration functions relating to their district or sub-district are transferred under Part II of the Bill.

Clause 103 and Schedule VIII provide for the payment of compensation to officers of authorities, from whom functions are transferred, who thereby suffer any direct pecuniary loss. This is defined so as to include an officer who, within five years, resigns because he is required to perform duties which are not analogous, or are an unreasonable addition, to his old duties, besides those whose appointments are determined or whose remuneration is reduced. These provisions are in accordance with precedent.

(55) The problem of the superannuation of transferred Poor Law officers presents certain complications. All these officers are covered by the Poor Law Officers' Superannuation Act, 1896, but, while many of the authorities to whom they will be transferred have adopted the Local Government and Other Officers' Superannuation Act, 1922, others have other superannuation schemes in operation, and others again have at present no scheme at all. Further, elementary school teachers employed by local authorities, but not those employed by Boards of Guardians, come within the Teachers' Superannuation Act, 1925. The position of the Acts of 1922 and 1896 were fully considered by a Departmental Committee, who reported in December, 1927 ("Report of the Departmental Committee on the Superannuation of Local Government Employees"—published by H.M. Stationery Office, price 2s.), and it has been decided to give effect to the recommendations of that Committee, so far as they are immediately relevant to the subject-matter of the present Bill.

Clause 104, Sub-clause (1), accordingly provides that, where the new authority have adopted the Act of 1922, that Act shall (with necessary modifications) apply to transferred Poor Law officers instead of the Act of 1896.

Sub-clause (2) provides that, where the new authority have some other superannuation scheme in force themselves, they

are to submit for the Minister's approval a scheme for substituting it for the provisions of the Act of 1896 in the case of transferred officers; when his approval has been given, the Act of 1896 shall cease to apply to them.

Sub-clause (3) provides that where the new authority have at present no superannuation scheme, the Act of 1896 shall continue to apply to transferred Poor Law officers.

Sub-clause (4) deals with the case of Poor Law officers who may after transfer become officers to whom the Asylum Officers Superannuation Act, 1909, applies.

Sub-clause (5) provides that Poor Law teachers who would, if they were serving in an elementary school, be covered by the Teachers' Superannuation Act, 1925, shall on transfer come under that Act instead of the Act of 1896.

(56) The case of transferred road officers is simpler than that of Poor Law officers, because, as regards superannuation, they are in the same position as other officers of local authorities, and no special Act is applicable to them.

Clause 105 accordingly provides that where the District Council from which a road officer is transferred has adopted the Act of 1922, and the officer is covered by that Act, on transfer to the County Council—

Sub-clause (1): if the County Council has adopted the Act of 1922, he shall remain under that Act;

Sub-clause (2); if the County Council have some other superannuation scheme in force, they shall submit for the Minister's approval a scheme for applying that Act to him;

Sub-clause (3): if the County Council have no superannuation scheme, the Act of 1922 shall continue to apply to him.

(57) In case questions relating to the transfer of officers should arise,

Clause 106 gives the Minister power, on application by either of the parties concerned, to settle doubtful questions that arise about the transfer of officers.

PART VIII.—GENERAL.

(58) This Part of the Bill together with Schedules IX, X, and XII, contains a number of common form and machinery clauses making provision in regard to expenses and borrowing (Clause 107), provision for enquiries by the Minister's Inspectors (Clause 108), provisions as to Orders and schemes under the Bill (Clause 109), provision for transitional matters (Clause 110) (1) and Schedule IX) and provision for the adaptations and repeals in existing statutes necessitated by the Bill (Clause 110 (2) and Schedule X, Clause 114 and Schedule XII).

(59) Clause 111 perhaps calls for special notice, as similar provisions in recent Acts, although following precedents set in numerous statutes dating back to 1888 have been severely criticized.

The transfer of Poor Law functions and the abolition of existing Poor Law areas is certain to give rise to difficulties in exceptional cases, which cannot be fully covered by the Bill. It is impossible to anticipate every local and minor difficulty of this kind before it arises, and some machinery is necessary by which such difficulties may be resolved without recourse to Parliament.. The common practice in such cases is to give the Minister power to remove difficulties by Order ; and the limitation of the time within which these powers can be exercised and the requirement that any Order shall be laid before Parliament, who may pray that it be annulled, are safeguards against abuse.

Clause 111 (1) accordingly gives power to the Minister to remove difficulties by Order.

Under Sub-Clause (2) every such Order is to be laid before Parliament and by Sub-clause (3) of Clause 109 is to become void, if an Address against it is presented to His Majesty by either House within the next subsequent twenty-one days when that House has sat after the Order is laid.

Under the proviso to Sub-Clause (1) the power to make such Orders is to determine at the end of 1930.

(60) The rating relief to be given to certain freight-transport undertakings will only be afforded conditionally on those undertakings making equivalent reductions in their transport charges wherever practicable (H.C. Debates, 24th April, 1928, O.R. Col. 864).

Clause 113, together with Schedule XI, accordingly provides for the handing on of the rating relief to be granted to certain freight-transport hereditaments to certain selected traffics which are specified in Parts II, III and IV of the Schedule.

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Explanatory Memorandum on the Provisions of the Bill, as passed by the House of Commons.

Presented by the Minister of Health to Parliament by Command of His Majesty, February, 1929.

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MEMORANDUM ON THE LOCAL GOVERNMENT BILL, 1928.

INTRODUCTORY

The object of this Memorandum is to give a brief summary of the principal provisions of the Bill as it has passed Third Reading in the House of Commons. The course adopted is to give a consecutive account of the purpose of the Bill, and the various problems which have to be solved to give effect to it, with references to and a short description of the relative clauses at the appropriate points in the general account. It results that, though the notes mostly follow the order of the clauses, they do not invariably do so : nor is there in the notes a reference to every clause and sub-clause in the Bill.

The Parts of the Bill are dealt with in numerical sequence, except Part VI, and the XIth Schedule which is dealt with in an Appendix based on the Financial Memorandum appended to the Bill when it was introduced in the House of Commons, but including the changes made in that House.

PART I.—POOR LAW.

(1) This part of the Bill transfers the responsibility for Poor Law Administration to Counties and County Boroughs, as a necessary accompaniment of the scheme of rating reform.

Clause 1 accordingly transfers, as from the appointed day (1st April, 1930, *see* Clause 126), the functions of Boards of Guardians to the Councils of Counties and County Boroughs comprising the unions for which the Boards of Guardians act. If a union overlaps two or more Counties or County Boroughs, it will be divided amongst them.

Clause 4 requires each County and County Borough Council, within a specified time after the passing of the Act, to submit for the Minister's approval a scheme of the administrative arrangements to be made for discharging its new functions.

(2) The Poor Law will thus be transferred to authorities which already provide services*, including institutions for medical treatment and other purposes, which overlap similar provision made by Boards of Guardians for persons who are destitute.

Clause 5 accordingly gives power to the Council to deal with destitute, as well as other, persons by means of the services which they provide under the special Acts mentioned in the Clause, and contains a direction that regard shall be had to the desirability of securing that, as soon as circumstances permit, all assistance which can lawfully be provided otherwise than by way of poor relief shall be so provided. It is left to the Council to determine whether they will or will not avail themselves of this power, subject always to the maintenance of their legal obligations in regard to the relief of destitution. The Lunacy Acts are excluded because it is proposed to deal separately with them in pursuance of the Report of the Royal Commission on Lunacy Law and Administration (Cmd. 2700).

Clause 5 (2) and (3) permits the County Council to make arrangements for cases appropriate for attention under the Education Act or the Maternity and Child Welfare Act, 1918, to be dealt with by those Councils of County Districts† which are separate education or maternity and child welfare authorities.

(3) Other classes of case (or, if the Council do not elect to avail themselves of the power given by Clause 5, all cases) which require

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* *e.g.* for tuberculosis, maternity and child welfare, mental deficiency, blind persons and the medical inspection and treatment of school children.

† County District means a non-county borough, or an urban or rural district.

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public assistance for the relief of destitution will be dealt with under the Poor Law.

Clause 6 accordingly requires the Council to provide in its scheme (*see* Clause 4) for the establishment of a Poor Law Committee, called in the Bill the Public Assistance Committee, which may be either a new or an existing committee and may be assisted, if desired, by the inclusion of a minority of members not members of the Council, among whom women must be included. All business relating to the transferred functions, except raising a rate or borrowing money, will stand referred to this committee. It may also have executive functions delegated to it, so that it can give decisions without having to wait for confirmation by the Council.

(4) It is obvious that members of a County Council will not be able personally to deal with applications for Poor Law relief from all over the County, nor is it desirable that they should do so. Machinery is required for a more local consideration of such matters.

Clause 7 (1) (*a*) and (*b*) accordingly provides for the division of the County into areas of one or more County districts in each of which a sub-committee of the Public Assistance Committee (to be called the "Guardians Committee") of not more than 36 nor less than 12 members is to be set up, consisting of (1) members of the Councils of the County Districts in the area, nominated by the Councils; (2) locally elected members of the County Council; and (3) members up to one-third of the total (among whom could be included Aldermen of the County Council) appointed by the County Council: in appointing such persons "a County Council shall have regard to the desirability of including persons who are members of Poor Law authorities immediately before the appointed day, and other persons of experience in the matters to be dealt with by the Committee." Provision is made for the exceptional case where it may not be necessary to divide a County into areas.

(5) It is not, however, intended that these Committees shall be responsible for the provision of institutional treatment or, except as explained below, for the management of institutions. One object of the proposals in the Bill is to secure that existing institutions shall be used and developed to the best advantage. This involves the setting apart of particular institutions in the County to serve particular classes of inmates or particular purposes, for some of which a highly qualified staff and highly specialized apparatus may be found to be required. The organization of the institutional service on these lines can only be undertaken by a body viewing the needs of the County as a whole. But it will still be for the Guardians Committees by arrangement to send applicants for relief to the institution provided to meet their special needs, and they

will, if requested by the Public Assistance Committee, be enabled to visit, report on, or manage institutions.

Clause 7 (1) (*c*) accordingly enacts that provision is to be made in the County scheme for placing on the Guardians Committee, which may act through sub-committees sitting for separate parts of the area, or for special purposes, the duty to

(i) consider and examine applications for relief;
(ii) determine the nature and amount of the relief to be given;
(iii) determine what part of the cost of relief shall be recovered from the recipient or from those liable for his maintenance;
(iv) inspect, report on, or manage a Poor Law institution in their area, if requested to do so by the Public Assistance Committee.

The transfer to the County of financial responsibility for the Poor Law necessitates the preservation of adequate control by the County Council, and the Guardians Committees will accordingly exercise the above functions subject to such restrictions or conditions as the County Council may impose.
The appointment and dismissal of officers will, moreover, remain in the hands of the County Council (proviso to Clause 7 (1) *c*).

(6) To minimise the possible risk of loss of touch or absence of understanding between the Guardians Committees and the central Public Assistance Committee,

Clause 7 (2) provides that there must be effective consultation between the Public Assistance Committee and the Guardians Committee of any area upon business relating specially to that area, and in particular that a Guardians Committee shall be entitled to send their chairman or other representative to participate in (but not to vote at) meetings of the Public Assistance Committee when business specially relating to its area is to be transacted.

(7) It has been shown that the prescribed organization of the administrative arrangements to be made by County Councils reserves to the County Council the control of all services requiring the provision of institutions, in order to ensure that the institutions may be used to the best advantage (para. 5). The position in County Boroughs is the same. It will, however, be necessary for the Councils of Counties and County Boroughs to make provision, as Local Authorities and Boards of Guardians now have wide power to do, for certain classes of case which are of regular occurrence, but relatively few in number. The most economical way of making this provision may well be a combination of two or more Councils for the purpose. It has, for instance, recently been found convenient and economical to make provision in one central institution in London for the radiological treatment of certain varieties of

cancer. Experience has also shewn that the most effective control of vagrancy can be secured by the co-operation of authorities covering a wide area.

Clause 3 (1) and (2) accordingly gives power to Councils to move the Minister to make an Order for their combination, and to the Minister, after making himself acquainted with the views of the local authorities and ratepayers concerned, by Order to require two or more Councils to combine for any purpose connected with their new functions under the Act, where such combination would tend to diminish expense or would otherwise be of public or local advantage. Sub-clauses (3) and (4) make provision for the administrative machinery necessary where combination takes place, and sub-clause (6) provides that any Order made by the Minister must be laid before Parliament and is subject to annulment on an address to His Majesty by either House of Parliament.

(8) In order that the knowledge and experience of local conditions, which have been acquired by local authorities, shall be available in the final settlement as well as in the actual operation of the scheme,

Clause 8 (1) provides that notice must be published by the County or County Borough Council in local newspapers that a scheme (see para. (1), note on Clause 4) has been submitted to the Minister for approval, that a copy of it is open to inspection, and that representations on it may be made to the Minister within four weeks of the publication of the notice. In the case of a scheme submitted by a County Council a copy must be sent to the Council of each district wholly or partly within the county.

Sub-clause (2) provides that the Minister must, before approving a scheme, consider any representations made to him by local authorities or other persons who appear to him to be interested.

Sub-clause (3) provides that, if a Council fails to submit a scheme, the Minister may himself make one, after consideration of any representations submitted to him by any local authorities.

[Clause 122 provides that schemes may not be revoked or varied except by a new scheme in the making of which the same safeguards are provided as in the making of the original scheme.]

(9) In County Boroughs also it may be necessary for the Town Council to seek the assistance of persons other than members of the Council in the actual administration of their Poor Law functions.

Clause 7 (4) therefore gives the Councils power to appoint Sub-Committees of the Public Assistance Committee, in which a minority of persons not members of the Council may be included.

Sub-clause (4) (ii) provides that the co-opted members shall include women, and that " regard shall be had to the desirability of including persons who are members of Poor Law authorities immediately before the appointed day, and other persons of experience in the matters delegated or referred to the sub-committee."

(10) The alterations in the arrangements for administering the Poor Law which have been outlined in the foregoing paragraphs call for some modifications in the personal position of those who are affected, whether as (*a*) administrators, or (*b*) beneficiaries, by the transfer of the Poor Law to Councils of Counties and County Boroughs.

(*a*) In addition to the grounds of disqualification for membership which are common to Boards of Guardians and to County and County Borough Councils, the receipt of Poor Law relief within a specified period disqualifies a person for membership of a Board of Guardians.

This disqualification extends to persons who have received medical or surgical treatment in a Poor Law hospital, but if they had received similar treatment in an institution provided under one of the special Acts set out in Clause 5 no disqualification would have arisen.

Clause 10 accordingly extends to membership of Councils of Counties and County Boroughs and of the Public Assistance Committee and its Sub-Committees the disqualification due to the receipt of relief, but puts an end to the present disqualification in the case of medical or surgical treatment, or relief which could have been given under the Blind Persons Act, or relief received in an Institution as a pauper lunatic.

Sub-clause (3) puts the disqualification for membership of district or parish councils on the same basis as for County Councils.

(*b*) (i) At present the inmate of a hospital which is not a poor law institution is not prejudiced in regard to the receipt of a pension by the fact that he is an inmate, though he may lose his pension (if a non-contributory pension) in view of the value of the benefits enjoyed by him as a result of being an inmate. In a poor law institution he loses the pension unless he entered the institution for the purpose of receiving medical or surgical treatment and when he ceases to receive that treatment or when three months have expired, whichever may be the earlier. Where under Clause 5 the poor law infirmary is converted into a public health hospital, the inmates will not be disqualified. In other areas for one reason or another the poor law infirmary may continue to be administered under the Poor Law Acts. The result would be that the pensioners in the latter areas would

be disqualified for continuing to receive their pensions for reasons which in the former would not affect them.

Clause 11 accordingly provides that so long as a person who has entered a poor law institution for the purpose of receiving medical or surgical treatment continues to receive that treatment (and not only for three months as at present) he shall not be disqualified, by being an inmate, for the receipt of an old age pension.

(ii) Under the Poor Law there is an obligation on the Board of Guardians where possible to recover the whole or part of the cost of relief from the recipient or from the persons liable to maintain him. Public Health authorities, while they have a power to secure a recovery of this kind, are under no obligation to recover the cost of assistance given by them, *e.g.*, under their tuberculosis and maternity and child welfare schemes, and the practice followed differs in different parts of the country. Since it will be open to Councils of Counties and County Boroughs in future to elect to give assistance in suitable cases either under the Poor Law or under the special Acts, it might happen that repayment would be required from persons receiving assistance because they were destitute and had no option, but not from persons applying for it for their own convenience. Similar differences would arise between the position of similarly situated persons in different Counties or County Boroughs, according as the powers conferred on the Councils by Clause 5 were or were not exercised.

While the protection of the public health requires that a person suffering from an infectious disease should be given every inducement to seek hospital treatment, it is no less necessary that there should be no temptation to persons who can afford to pay the whole or part of the cost to look to public funds for free treatment and maintenance whenever they are ill. Nor is it desirable that the practice adopted in regard to the recovery of costs should vary in different localities.

Clause 15 accordingly provides that it shall be the duty of the Council to recover the whole or such part (if any) of the cost of maintenance (as defined in sub-clause 3) as in their opinion the patient or those liable for his support can, having regard to their financial circumstances, reasonably pay, in all cases where persons receive *institutional treatment*, otherwise than for infectious disease (which includes tuberculosis and venereal disease) The present power of a local authority to recover the whole or part of the cost of assistance given under the Special Acts (other than institutional treatment as specified in the last sentence) remains unimpaired. Where treatment (or assistance) is given under the Poor Law, the Poor Law obligation to recover is left intact.

(11) Certain amendments of, or additions to, the law relating to the functions of local authorities are also necessary. These are not of great importance, but the following is a list of them :—

Clause 2 provides that the functions of Boards of Guardians in relation to infant life protection shall be discharged by maternity and child welfare authorities as functions under the Maternity and Child Welfare Act, 1918, and that functions relating to vaccination shall be discharged by the Councils of counties and county boroughs as functions relating to public health.

Clause 12 repeals the Unemployed Workmen Act, 1905, which has long ceased to be operative, except in one or two areas, and enables provision to be made for property held and officers employed by bodies set up under the Act.

Clause 13. Sub-clauses 1 and 2 confer on County Councils the powers possessed by local sanitary authorities to provide hospitals for the sick, and extend the power so as to include ordinary maternity cases. (It has been decided in the Courts that pregnancy *per se* is not sickness.) The Clause also confers on County Councils the power to make subscriptions to voluntary hospitals.

Sub-clause (4) removes the present restriction which prevents Mental Deficiency Committees from treating Poor Law mental defectives.

Sub-clauses (3) and (5) enable Public Health and Mental Deficiency Committees of County or County Borough Councils to appoint sub-committees, consisting wholly or partly of members of the Committees, and the first sub-clause gives the power (already existing in regard to the Mental Deficiency Committee and other committees under the Special Acts) to include in the Public Health Committee, to the extent of one-third, persons not members of the Council.

Clause 14 is necessary because certain members of Assessment Committees are now, but in future can no longer be, appointed by Boards of Guardians.

Clause 16 provides for the continuance in the case of County Boroughs of the audit of Poor Law Expenditure by the District Auditors. County Boroughs are thus placed in the same position as County Councils in regard to this class of expenditure.

(12) The following are the principal special provisions which apply to London—

Clause 17 (*a*) and (*b*) leaves it to the London County Council to make arrangements consistent with its existing arrangement of Committees for the local administration of Poor Relief by its administrative scheme, which will be subject to approval by the Minister.

Sub-clause (*d*) provides that the London County Council shall absorb the Metropolitan Asylum Board.

Sub-clause (*f*) provides that the Common Council of the City and the Councils of the Metropolitan Boroughs shall be responsible for vaccination and registration.

(13) There remain two special cases to be dealt with. Some Boards of Guardians have special powers conferred on them by local Acts which would not conveniently be fitted into a County scheme, and some hold property for charitable purposes, intended to be of local application, which there is no case for transferring to the County. Other Boards of Guardians have been appointed by the Minister under his special powers, and it might be undesirable to bring these special arrangements to an end immediately on the passing of the Act.

Under Clause 18 accordingly, in the first class of case, the functions transferred to the Council of the County or County Borough will be functions of a Board of Guardians under the Poor Law Act, 1927, *i.e.*, under the general law. The clause further gives the Charity Commissioners power to make a scheme for the administration of charitable property vested in a Board of Guardians. And

Clause 19 gives power to the Minister, by Order, to postpone the transfer of Poor Law functions from Boards of Guardians appointed by him under his special powers until the 1st April, 1935, in respect of the whole or part of the Union which they administer.

Sub-clause (4) requires any Order made by the Minister under the Clause to be laid before Parliament and such Order may under the general provision in Clause 122 (3) be annulled on an Address to His Majesty by either House of Parliament.

PART II.—REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.

This Part of the Bill covers much the same ground as a Private Member's Bill of last session which passed the House of Commons but was not, through lack of time, proceeded with in the House of Lords.

(14) Boards of Guardians have vested in them some limited functions in regard to the appointment of superintendent-registrars and registrars of births and deaths, and to the payment of certain fees and expenses. It is not however feasible, on transferring the functions of the Guardians to the Councils of Counties and County Boroughs, to alter existing registration areas at one stroke, so that they shall not overlap County and County Borough boundaries, because of the difficulties which would thereby arise in connexion with the next census.

Clause 20 accordingly transfers to the Councils of Counties and County Boroughs the functions of Boards of Guardians under the Registration Acts, but without, for the time being, disturbing the area of existing districts.

(15) The registration service is a national service requiring precise uniformity of practice throughout the country. Close control of the officers by the Registrar-General is, therefore, essential; but neither the Registrar-General nor anyone else has power to determine their remuneration, which, apart from any bonus which may, as an act of grace, be given to them by Boards of Guardians, is derived entirely from the fees paid to them. The scale of fees, which bears no relation to the trouble and responsibility involved in the services for which they are payable, causes further hardships on account of the unequal demand for the more remunerative services; and changes in the distribution, inclination to marriage, fertility and longevity of the population, have in places reduced the receipts from fees to the point at which they scarcely more than repay the expenses of earning them.

Clause 21 (1) and (2) accordingly puts all new appointments on a salaried basis, and gives existing registration officers the right to become salaried.

Sub-clause (3) gives the Council the right to fix salaries and conditions of service, and provides that all fees shall be paid over by salaried officers to the Councils.

(16) If the result of paying registration officers by salaries instead of by fees is that the payments made to them are greater than the amount of the fees surrendered, the charge would, unless there were

an increase in the receipts from fees, fall entirely upon the rates. There is reasonable ground on the merits for some increase in the scale of fees and, as the occasions upon which any member of the public can require the services of the registrar are strictly limited, such increase should not involve hardship.

Clause 22 (1) accordingly gives power to the Minister, by order, to increase the fees by not more than 50 per cent.

Sub-clause (2) requires officers remaining on a fee-earning basis to hand over to the Local Authority that part of the total fees received by them which is due to any increase in the scale made under sub-clause (1).

(17) The transfer to the Councils of Counties and County Boroughs of the limited functions of Boards of Guardians under the Registration Acts permits, and the system of payment by salary requires, a more convenient local organization of the service than is possible when each registration district and sub-district is confined within the limits of a single union. It will be possible not only to place enlarged districts and sub-districts hereafter under two or more officers with concurrent powers (which is impossible when officers are paid by fees), but also to arrange the districts in such a way as to combine registration duties, where they do not need full-time officers, with other duties of local officials. For example the registration of marriages, births and deaths could in many cases be very suitably combined with the work of electoral registration for which the Clerk of the County Council or the Town Clerk of the County Borough Council is responsible. As the head of the Council's administrative services, it is appropriate that this officer should exercise the powers now wielded by the Registrar-General in matters which relate to the local disposition and organization of the service. It will not be possible to disturb the existing system or areas before the Census of 1931 is taken, because the local arrangements for the Census will be in an advanced stage of preparation by the spring of next year.

Clause 23 requires the Councils of Counties and County Boroughs before the 1st April, 1932, to prepare a scheme, for the Minister's approval, of the local establishment and organization of registration personnel, which will otherwise remain, so far as relates to the performance of their registration duties, under the control of the Registrar-General in order that the necessary uniformity of practice may be maintained throughout the country.

Sub-clause (2) provides that the Clerk to the County Council, and the Town Clerk of the County Borough Council, shall be the officer responsible for supervising the local administration.

Sub-clause (4) secures to interested officers the right to have any representations they may make considered by the Minister before a scheme is approved.

Sub-clause (5) gives the Registrar-General power, after consultation with the Council, to make a scheme for the approval of the Minister if the Council fail to make one.

(18) By an Act passed in 1858 the salary of the Registrar-General was fixed at £1,200.

Clause 24 meets the present situation by providing that the salary of the Registrar-General shall be such as may be determined by the Minister of Health with the approval of the Treasury.

(19) Inconvenience is often caused to members of the public by the necessity (unless they have since removed from the district) of attending to register births and deaths at the office of the registrar for the sub-district in which the event took place. In many cases some other registrar is more easily accessible. Any modification of the existing practice in connexion with the registration of deaths and still-births is complicated by the need for medical and other certificates and certain unavoidable formalities.

Clause 25 (1) permits births to be registered by means of a declaration to a prescribed registrar who is not the registrar of the sub-district in which the birth occurred.

Sub-clause (5) gives the Minister power to make or approve regulations extending this modification of the present procedure to the registration of deaths and still-births.

(20) In the application of this part of the Bill to London :—

Clause 26 provides that the functions of Boards of Guardians shall be transferred to the Common Council of the City of London and to the Councils of Metropolitan Boroughs and not to the London County Council.

PART III.—ROADS AND TOWN PLANNING.

Roads.

(21) This Part of the Bill provides for the transfer to County Councils of :—

(*a*) all highway powers of Rural District Councils, and
(*b*) all classified roads in Urban Districts and non-county Boroughs.

The general considerations on which the proposals in relation to highways in this Part of the Bill are based are indicated in the White Paper Cmd. 3134, paragraphs 11 to 13.

Urban authorities with a population of over 20,000 persons are to be entitled to claim to maintain the "county" roads in their districts, all approved expenditure on the roads to be repaid by the County Council.

The County Council are also to be empowered to arrange with the councils of urban and rural districts for the carrying out by the latter of the road functions of the County Council as agents of the County Council. A statement is to be submitted to the Minister of Transport by each County Council shewing their proposals in this respect, and if delegation of functions in respect of unclassified roads is refused to a Council of a County District, the latter will have a right of appeal to the Minister.

(22) The functions of County Councils in relation to main roads differ in some respects from the functions of District Councils in relation to roads vested in them, and it is therefore necessary that the Bill should define precisely the powers and duties of County Councils with regard to the roads to be transferred to them.

Clause 28 provides that County Councils shall have in relation to all roads transferred to them the same functions that they now have with respect to main roads. Some of the roads to be transferred to the County Councils will be of comparatively small importance and could not be called main roads as the term is ordinarily understood. In order to preserve uniformity and avoid an inappropriate nomenclature, the clause accordingly provides that all roads vested in the County Council (including the present main roads) shall as from the appointed day be known as "county roads."

(23) Rural District Councils are to cease to be highway authorities.

Clause 29 (1) provides that every County Council shall be the highway authority in Rural Districts within the County both as regards highways repairable by the inhabitants at large and those not so repairable. The Rural District Councils will

cease to be highway authorities but the sub-clause provides for their retention of their functions in regard to the protection of rights of way and roadside wastes, and they will in this matter to a great extent exercise concurrent functions with the County Councils.

The functions to be exercised by County Councils as highway authorities in Rural Districts are defined in the sub-clause as all such functions under the Highway Acts 1835 to 1885 as were exercisable by a Rural District Council who under the Local Government Act, 1894, became successors to a highway board.

(24) There are certain functions relating to highways or streets, the most important of which are those exercisable (under the Public Health Act, 1875, or the Private Street Works Act, 1892) with regard to private streets, which are not included in the functions formerly exercisable by highway boards and so are not vested in County Councils by Clause 29 (1).

Sub-clause (2) of Clause 29 accordingly provides that in Rural Districts County Councils shall exercise functions under the enactments mentioned in Parts I and II of the First Schedule to the Bill, subject to the modifications therein mentioned.

Sub-clause (3) of the Clause provides that Rural District Councils shall no longer exercise functions under the enactments mentioned in Part I of the First Schedule, or under Section 150 of the Public Health Act, 1875 (which relates to private street works), and shall exercise functions under the enactments mentioned in Part II of the Schedule concurrently with the County Council, but only with the County Council's consent.

(25) It is not intended that the powers of Rural District Councils to make byelaws under Section 157 of the Public Health Act, 1875, with respect to the level, width and construction of new streets should be transferred to the County Councils, but such byelaws will obviously concern the County Council who, under the provisions of the Bill, will have powers with regard to such streets.

Sub-clause (4) of Clause 29 accordingly provides that before making byelaws under this section a Rural District shall consult with the County Council. It also enables a County Council to exercise this power themselves if a Rural District Council refuse to do so at their request.

(26) Subject to the right given to certain urban authorities under Clause 31 to claim them, all classified roads in Urban Districts and non-county Boroughs are to be transferred to County Councils.

Clause 30 (1) effects this transfer as from the appointed day. The transferred roads will be " county roads."

Clause 30 (2) makes similar provision in respect to roads in Urban Districts and non-county Boroughs, which become classified roads after the appointed day.

Certain functions appropriate to the highways in Urban Districts to be transferred to County Councils under Clause 30 are exercisable by urban authorities, but are not included in the functions at present exercisable by County Councils in respect to main roads.

Sub-clause (5) of Clause 30 accordingly vests in County Councils, so far as county roads in Urban Districts (other than claimed roads) are concerned, functions under the enactments mentioned in Parts III, IV and V of the First Schedule, and makes provision, according to the nature of the functions, for their exclusive exercise by the County Council or for their concurrent exercise by the District Council with or without the County Council's consent.

(27) Where after the passing of the Act a rural district or any part of a rural district is constituted an urban district it may be convenient that the County Council should continue to be responsible for the roads in the district.

Sub-clause 6 of Clause 30 accordingly provides that in such a case the order by which the change in the status of the area is effected may provide that any unclassified roads in the area shall continue to be county roads, and may also make provision for contributions to be paid by the urban district to the County Council towards the maintenance and repair of such roads.

(28) Under the Local Government Act, 1888, when the County Councils became responsible for main roads, any urban authority had a right to claim to maintain a main road within 12 months, either after the appointed day under that Act or after the "maining" of the road. It is intended, in accordance with the tenour of the unanimous recommendations of the Royal Commission on Local Government, which included representatives of the principal Associations of Local Authorities, and whose report has recently been published (Cmd. 3213), that this right should be exercisable by the larger urban authorities in relation to main roads in their areas, whether or not they have already made a claim under the 1888 Act.

Sub-clauses (1) and (6) of Clause 31 accordingly provide that any urban authority which has a population of over 20,000 according to the estimate for 1928 or which in the future has a population of over 20,000 according to the last census for the time being may claim to maintain and repair any county road within their district within the time limited by Sub-clause (2) of the Clause.

Sub-clauses (5) and (6) of Clause 31 terminate the existing right under the 1888 Act to maintain and repair a main road in the case of urban authorities with an estimated population of not more than 20,000 for the year 1928. Sub-clause (5) also provides that, where an urban authority who are now entitled to claim under this Act have already claimed under the 1888

Act in respect of a road, they shall not have to make a fresh claim in respect of the road.

Sub-clause (3) of Clause 31 provides that the Minister of Transport may defer the right of an urban authority to claim until such date as he may determine in the case of :—

(*a*) any road which the Minister of Transport may declare to have been constructed or improved by a County Council with the assistance of advances under the Development and Road Improvement Act, 1909, as subsequently amended ; or

(*b*) any road in a county in which at the passing of this Act Urban District Councils were empowered under a Local Act to relinquish their rights to claim under the 1888 Act.

The Act of 1888 makes no provision for the relinquishment by an urban authority of the right to maintain and repair a main road, and the lack of such a provision is occasionally found to be inconvenient.

Clause 31 (4) accordingly provides for the relinquishment by an urban authority, with the consent of the County Council, of the right to maintain and repair a county road, with a right of appeal to the Minister of Transport if the County Council refuse their consent.

(29) The claiming of a main road by an urban authority did not under the 1888 Act, and would not under the present Bill, relieve a County Council of their financial obligations with respect to the maintenance and repair of the claimed roads. The 1888 Act, however, did not in terms make a County Council liable to make any contribution to an improvement of a claimed road which was not connected with maintenance and repair. This is now laid down by—

Clause 32 (1) which details the financial liabilities of County Councils in relation to claimed county roads and provides for the settlement by the Minister of Transport of disputes arising in connexion with the payment of the cost of improvements not connected with maintenance and repair. Sub-clauses (2) and (3) provide for the submission of estimates and their approval by the County Council.

Sub-clause (4) provides generally for the settlement by the Minister of Transport of disputes as to liabilities arising under the clause.

(30) In cases where a large proportion of the roads in an urban district are already main roads or will become county roads under the Bill it may not be convenient for the urban authority to maintain a highway organization for the purposes of the remainder of the roads in its area.

Clause 33 accordingly provides that a County Council and an urban authority may enter into agreements with regard to the maintenance, repair and improvement of unclassified roads in the urban district in consideration of such payments to the County Council as may be agreed.

(31) Apart from the powers of the larger urban authorities to claim to maintain county roads under the provisions of Clause 31 it is provided, in accordance with the principle of the recommendations of the Royal Commission on Local Government, that it shall be the duty of the County Council to delegate the maintenance, repair, &c., of unclassified county roads to District Councils, unless they are able to satisfy the Minister of Transport that such delegation is undesirable in the particular case. It is further provided that County Councils may also at their discretion delegate such functions in respect to classified roads.

Clause 34 (1) provides that any District Council may within three months of the passing of the Act apply to the County Council for the delegation to them of the maintenance, repair, &c., of—

(*a*) all unclassified roads in the district other than county bridges,

(*b*) all or any of the classified roads in the district.

(*c*) all or any of the county bridges in the district.

As regards (*a*) it will be the duty of the County Council to grant the application unless they are satisfied, having regard to economy and efficiency in highway administration throughout the county and in view of the circumstances of the district, that the application should be refused (Sub-Clause 2). The County Council will, however, have unfettered discretion to grant or refuse an application in respect of classified roads or county bridges (Sub-Clause 3).

Sub-Clauses (4) and (5) provide that the County Councils before the 1st October, 1929, are to submit to the Minister of Transport, and also to each District Council that has made an application under Sub-Clause (1), a statement showing how the various applications have been dealt with, and, if an application in respect of unclassified roads has been refused, specifying the grounds of refusal. A District Council whose application in respect to unclassified roads has been refused would be able to appeal within a month to the Minister of Transport, who would be empowered to direct the County Council to grant the application.

Sub-Clause (6) provides that any District Council to whom delegation has not been made may make application for such delegation at the end of the quinquennial periods referred to in the sub-clause, or, with the consent of the Minister of Transport, at any other time.

Sub-Clausc (7) deals with the relinquishment of delegated functions by District Councils who no longer wish to exercise them.

Sub-Clause (8) provides for the determination by a County Council of any dclegation of functions to a District Council subject in the case of functions relating to unclassified roads to a right of appeal by the District Council to the Minister of Transport.

(32) It is nccessary that the Bill should define the relations betwcen a County Council and a District Council which is exercising delegated functions, and should determine the conditions under which such functions should be exercised.

Clause 35 (1) accordingly provides that in discharging delegatcd functions the District Council shall act as agents and not as principals, and shall comply with any requirements of the County Council as to the manncr in which and the persons by whom any works are to be carried out and with any general directions of the County Council as to the terms of contracts to be cntered into for such purposes. The works to be executed, and thc expenditure to be incurred in connexion with the maintenanec, repair, &c., of roads, will be subject to the approval of thc County Council. Thc works must be completed to the satisfaction of thc County Council. If the County Council are satisfied that any portion of a road in respect to which functions havc been delegated is not in proper repair, they may, after giving due notice, themselves do anything that seems necessary to placc the road in proper repair.

Sub-clausc (2) provides that, wherc functions are delegated to a District Council under the provisions of Clause 34, the District Council shall discharge as agents of the County Council functions under the cnactmcnts mcntioned in Part I (in Rural Districts) or Part III (in Urban Districts) of the First Schedule, except so far as thosc functions relate to roads in respect to which functions are not delegated to the District Council. The most important effect of this sub-clause would be that where the County Council's highway functions in respect of unclassified roads had bcen delcgatcd to a Rural District Council, the latter would also excrcise as agents the County Council's powers under the Private Street Works Act, 1892. The County Council are empowered to impose conditions with respect to any action taken by the District Council under the sub-clause, and the latter are given thc same powcrs of raising money for the purpose of meeting expenditure not properly chargeable to the county as if they had been directly invested with functions under the various enactmcnts rcferred to in Parts I and III of the Schedule.

(33) Some urban districts contain areas which are essentially rural in character, and unless provision is made for the transfer of

such roads to County Councils in appropriate cases Urban District Councils might in some instances have to bear an unjustifiably heavy burden of highway expenditure.

Clause 36 accordingly provides that in the case of a road in a part of an urban district which is of rural character the urban authority may apply to the County Council for an order declaring the road to be a county road and that if the County Council refuse to do so the urban authority may appeal to the Minister of Transport.

(34) In some cases individuals, such as the occupiers of lands to which the provisions of Inclosure Awards apply, are liable for the maintenance of particular highways or bridges and in return are entitled to exemptions in respect of highway rates. Owing to the variety of their character it is not practicable to terminate such liabilities and exemptions by the Bill and it is therefore necessary to provide specifically for their continuance.

Clause 37 accordingly provides that nothing in the Act with respect to county roads shall affect the liability of any person or body of persons other than a highway authority to maintain and repair any highway, or affect any statutory exemption from a highway rate continued in force by a scheme under Section 64 of the Rating and Valuation Act, 1925. The clause further provides for the submission of schemes (to which certain provisions of the said Section 64 are to apply) by County Councils to the Minister of Health for the purpose of continuing the operation of such exemptions.

(35) Provisions consequential on the transfer of the highways under this Part of the Bill are contained in Clauses 109, 110, 112 and 117, which are dealt with in the notes on Part VII of the Bill.

Town Planning.

(36) The making of adequate provisions in regard to highways plays an important part in town planning, and, since the road powers of County Councils will be widely extended by the preceding Clauses (*see* especially paragraph (21)), it becomes essential that the position and powers of these authorities in town planning should be properly defined. At present County Councils have no powers of taking any formal part in the preparation and administration of town planning schemes—a state of affairs which, even apart from the present proposals, has been shown by experience to be unsatisfactory.

Clause 38 accordingly empowers County Councils by agreement to act jointly with other local authorities in preparing or adopting town planning schemes and to be represented on joint committees that already exist for the purpose.

(37) Difficulties sometimes arise in connexion with joint town planning committees because particular District Councils whose participation is essential for a proper scheme will not take part in the committee. Similar difficulties may conceivably hamper the exercise by County Councils of their new powers under Clause 38, and since, for reasons explained in paragraph (36) in the note on that clause, the participation of the County Council may be essential, it is necessary to provide a way of meeting such difficulties should they arise.

Clause 39 accordingly empowers the Minister, after holding a local inquiry, unless all the authorities concerned are in agreement, to constitute a joint town planning committee by Order.

Clause 40 (1) provides that a County Council may be made the responsible authority for carrying out appropriate duties, more particularly in connexion with roads, under a town planning scheme, and

Sub-clause (2) that, where under a scheme approved before the appointed day, a Rural District Council are the responsible authority as regards any functions relating to roads, streets or building lines, the County Council shall, as from the appointed day, be the responsible authority as regards those functions. Provision is, however, made enabling the Minister, by Order, to except from the transfer such functions as he thinks fit or to provide for the exercise by the Rural District Council, subject to such conditions as may be imposed, of any of the functions so transferred.

(38) Under the existing law, Councils of Boroughs and Urban Districts with a population of over 20,000 are required to submit town planning schemes to the Minister by 1st January, 1929. The situation under existing statutes is profoundly modified by the proposed transfer of roads to County Councils and by the development of the movement towards regional planning. It is considered that an extension of the period for the submission of town planning schemes is requisite and

Clause 42 accordingly extends the period to 1st January, 1939.

PART IV.—MISCELLANEOUS LOCAL GOVERNMENT PROVISIONS.

(39) After an exhaustive examination, the Royal Commission on Local Government found a number of defects in local government arising either out of the varying size and financial resources of different districts or from the fact that the particular form of local government in operation in an area was no longer suited to its character. For instance, on the 1st April, 1927, there were 65 Boroughs, 264 Urban Districts and 101 Rural Districts where a penny rate produced less than £100 ; none of these 430 areas had a population exceeding 5,000. These anomalies will be emphasised by the loss of rateable value from derating, and the need for reorganization already recognized by the Royal Commission will be increased still further by the transfer of poor law and highways to the County Councils.

Accordingly, the Government, in this part of the Bill, following the unanimous recommendations of the Royal Commission, have framed a comprehensive scheme for the adjustment and reorganization of areas, and have made provision for other improvements.

Clause 44 requires every County Council, as soon as may be after the passing of the Act, after conference with representatives of County Districts, to make a review of all districts wholly or partially within the county, and before the 1st April, 1932, submit to the Minister such proposals as they think desirable for alterations of boundaries, unions of districts, the conversion of Rural Districts into Urban or vice versa, or the formation of new districts or parishes (sub-clause (1)). Provision is made for full publicity to be given to these proposals, of which copies must be sent to the Councils of districts affected, and for representations to be made to the Minister by interested parties. (Sub-clauses 3 and 4.) Proposals may include alterations of the boundaries of non-County Boroughs and agreed alterations of the boundaries of County Boroughs. (Sub-clause 2.) The Minister may either make or refuse to make an Order giving full or partial effect to the proposals after consultation with the District Councils, but a Local Inquiry must be held before a decision is given if a Local Authority objects to a proposal. Orders so made are to be laid before Parliament. Power is also given to the Minister, after consultation with the local authorities, to make proposals himself if the County Council have failed to do so. (Sub-clause (5)).

Clause 60 makes it plain that the powers, rights, privileges, or immunities of a non-county borough, or the operation of any municipal charter cannot be altered or affected save so

far as may be necessary to give effect to any alteration or definition of boundaries made under this part of the Bill.

Clause 45 provides for the making of subsequent periodical reviews by County Councils after an interval of not less than ten years after the first review, and of consequent Orders by the Minister. In case, however, of objection by a borough to any proposal affecting it, the Order will be Provisional only until confirmed by Parliament.

Clause 46 preserves, with some amendments which experience has shown to be desirable, the existing powers of County Councils to effect alterations of the boundaries of Urban and Rural districts.

Clause 61 (2) makes it plain that orders made under this Part shall not be construed as affecting the limits of any Parliamentary County or Parliamentary Borough.

(40) At present there are a number of districts which are divided by county boundaries, and some parts of districts are wholly detached from the rest of the County. At present also even agreed alterations of the boundaries of County Boroughs can be made only by Provisional Orders.

Clause 47 (1) accordingly provides means for the necessary adjustment of the boundaries of Counties and

Sub-clauses (2) and (3) for the agreed alteration of the boundary between a County and a County Borough to be made on the joint representation of the Councils concerned by Order of the Minister.

(41) The redistribution of poor law and road expenditure between local authorities provided for by the Bill and the contemplated resurvey of county districts make it desirable that there should be a reconsideration of the County Council electoral areas. It is laid down in section 51 of the Local Government Act, 1888, that " the divisions shall be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and of the urban population . . . and to evidence of any considerable change of population since the [last published] census " ; and each division is " so far as may be reasonably practicable " to be " a " county district . . . or a combination of county districts."

Clause 48 accordingly provides that County Councils shall as soon as possible after completing the survey to be made under Clause 44, review the electoral divisions and shall, before the 1st January, 1933, or such later date as the Secretary of State may allow, submit any proposals for alterations of divisions which they consider desirable to the Secretary of State, who may make an order giving effect to them.

Under Sub-clause (2) if the Secretary of State after consultation with interested local authorities is of opinion that a County Council has failed to make proposals in a case in which they should have been made, he may, after advertising his intention, and, if objection is made and not withdrawn, after holding a local inquiry, himself make an order.

(42) The new functions imposed upon county councils by the changes proposed in the Bill, will make it necessary for members of county councils to attend more frequently at the county town for meetings of the council and its committees. In view of the long distances to be covered in many cases

Clause 49 empowers county councils to pay the necessary travelling expenses of members.

Sub-clause (3) provides that expenditure for this purpose shall not rank for Exchequer grants.

Sub-clause (4) provides that, so far as committees are concerned, travelling expenses of members shall only be paid if the committee is appointed for the discharge of functions throughout the whole of the county.

(43) Even after the transfer of services and the rearrangement of local government areas provided for in Parts I and III and in the present Part of the Bill respectively, some among the smaller classes of authorities will remain of necessity financially weak in comparison with the larger. In particular, the provision of water supplies and of sewerage (which may be primarily required for the protection of the water-supplies of some other area) is frequently a heavy burden on the parishes which by statute have at present to bear the whole cost. In such cases it seems fair that the authority of the larger area in whose territory lies the area for which provision has to be made should be empowered to contribute to the cost. In the last resort it may be desirable to enable the Council of the County District to divest themselves, or even, in the case of serious default, to deprive them, of the responsibility for such services.

Clause 51 (1) accordingly provides that a Rural District Council may contribute as part of their general expenses towards the defrayment of " special expenses "—*i.e.*, expenses for water, sewerage, &c., which would at present usually be levied on a parish or combination of parishes and not on the district as a whole.

Clause 52 (1) empowers County Councils to contribute towards expenditure incurred by a county district in connexion with sewerage or water supply, and

Sub-clause (2) provides that a District Council may by agreement with the County Council relinquish in favour of the latter any of its public health functions.

Under Sub-clause (3), in case of default on the part of a county district to perform a public health function, the Minister

is given power, after holding a local inquiry, by Order to transfer the function to the County Council.

(44) Under the Public Health Act, 1875, the Minister has power to combine two or more county districts for the purpose of appointing a single medical officer of health. This power is used to make the employment of whole-time officers possible. Another way of achieving this object is the appointment of an officer who is at the same time an assistant county medical officer. But on the 31st March, 1927, out of 1,686 County District Councils, only 505 employed a medical officer of health who gave his whole time to public duties; the remaining 1,181 employed private practitioners. For all classes of local authorities the proportion of whole-time appointments of medical officers has only advanced from about a quarter to something over a third in the last half century. The Royal Commission were impressed with the need for quicker progress and

Clause 53 accordingly provides that County Councils shall, in consultation with their county districts, formulate arrangements, by combination of districts for the purpose or otherwise, to secure that every medical officer of health subsequently appointed for a district shall be debarred from private practice; in case of default the Minister may formulate the necessary arrangements himself. Provision is made for waiving in exceptional cases the condition that whole-time service shall be given.

(45) Clause 54 makes statutory the power which the Minister has hitherto exercised of regulating the standard of qualifications for medical officers of health and health visitors.

(46) The Royal Commission recommended that the local authorities who administer the school medical service should be empowered to represent to the Minister that they should also administer maternity and child welfare work within the areas for which they are local education authorities, in order that there may be continuity in the supervision of the health of children before and after reaching school age. At present there are 159 maternity and child welfare authorities who are not school medical authorities, and 26 school medical authorities (outside London) who are not maternity and child welfare authorities.

Clause 55 accordingly provides that where in any district any service under the Maternity and Child Welfare Act, 1918, is being carried on by a Council which is not the local education authority for the district, the Minister may, on representations being made to him by the local education authority, withdraw his sanction to the arrangement and provide for the transfer of the maternity and child welfare service to the local education authority.

(47) It is plainly desirable that notifications of births should be sent in every case to the local maternity and child welfare authority.

At present the latter may obtain an Order from the Minister to secure this, but a number of authorities have neglected to make the necessary application.

Clause 56 therefore empowers the Minister to make the necessary Order even if the Council concerned have made no application for it.

(48) The responsibility for supervising midwives at present rests, with a few exceptions, on the Councils of Counties and County Boroughs. But those Councils of County Districts which have maternity and child welfare schemes, and have established ante-natal clinics and maternity homes, are deeply interested in the supervision of midwives, and are desirous that the work of the midwives should be supervised by them and not by the County Council.

Clause 57 accordingly permits the Council of a County District which is a maternity and child welfare authority and employs a medical officer of health who is not in private practice, to apply to the Minister for an Order transferring to them the supervision of midwives, if, in his opinion, after consultation with the County Council, the circumstances justify it.

Under Sub-clause (2) an Order may be revoked by the Minister at any time.

(49) At present both County Councils and Councils of County Districts may provide hospitals for the treatment of infectious diseases (other than tuberculosis or venereal disease which are dealt with in county schemes only), but in some parts of the country there is a serious deficiency of accommodation of this kind. Under Part I of the Bill practically the whole of the public institutions in a county will pass into the control of the County Council, and some of the existing institutions may be suitable for use as infectious diseases hospitals. As the provision of hospitals for infectious diseases is, and will remain, a function of the Councils of County Districts also, the County Council should be able to foster co-operation between the authorities owning the hospitals and also to secure that adequate accommodation is available for this purpose. This provision will round off the power given to County Councils under Part I to secure the proper classification of institutional treatment with a view to the efficient use and development of the institutions.

Clause 58 (1) accordingly lays upon every County Council the obligation of making a survey of the hospital provision for infectious diseases throughout the county.

Sub-clause (2). When the survey is complete, the Council, in consultation if necessary with the Council of any adjoining County Borough, must prepare a scheme for providing adequate hospital accommodation for infectious diseases.

Sub-clause (3). The scheme may provide for the joint use of institutions owned by individual authorities, and for the provision of additional accommodation by the County Council.

Sub-clauses (4) and (5). Schemes will not be effective until approved by the Minister, and in case of default the Minister may himself make a scheme.

Sub-Clause (6). Where the Council of a county district fail to provide the accommodation required from them under the scheme the Minister may transfer the functions of the Council under the scheme to the County Council, to be exercised by them at the cost of the local authority.

The clause contains the usual provisions for securing consultation with the interested local authorities at all stages.

(50) Clause 59 enables the Minister, on application from the London County Council or of any Association or Committee which is in his opinion representative of the Metropolitan Borough Councils, to provide by Order, subject to certain conditions as to consultation, for the transfer to any of the Metropolitan Borough Councils of any functions exerciseable by the London County Council (other than functions transferred to them under Part I of the Bill) or for the exercise of any such functions by the Metropolitan Borough Councils as agents for the London County Council. The clause is included as the result of representations on the subject from both the London County Council and the Metropolitan Boroughs Standing Joint Committee. An Order may extend to the Common Council of the City of London, if they consent.

PART V.—RATING AND VALUATION.

(51) The Rating and Valuation (Apportionment) Act was passed last session in order (to quote the long title) "to make provision, with a view to the grant of relief from rates in respect of certain classes of hereditaments, for the distinction in valuation lists of the classes of hereditaments to be affected and the apportionment in valuation lists of the net annual values of such hereditaments according to the extent of the user thereof for various purposes." Under it, special valuation lists are at present in course of preparation which will contain particulars about (*a*) agricultural land* and agricultural buildings, (*b*) industrial premises, and (*c*) freight transport premises, so as to distinguish the parts qualified by their user for relief from the parts not so qualified. But some further enactment is required in order to give the actual relief which has been promised, in addition to the statutory relief already enjoyed by certain classes of hereditament, and to ensure that, in the case of industrial premises let at inclusive rentals, the landlord paying the rates, the relief given by the Bill shall enure to the benefit of the tenant.

Clause 62 accordingly provides that after the appointed day (1st October, 1929, see Clause 126) agricultural land and buildings shall be wholly exempt from rates and that they shall be excluded from valuation lists coming into force after that date.

Clause 63 provides that after the 1st October, 1929, industrial and freight transport properties (or those parts of such properties which are occupied and used for industrial or transport purposes) shall be rated on one quarter only of what would otherwise have been their rateable value.

Under the proviso to sub-clause 1(*b*) existing reliefs are preserved.

Sub-clause (2) is designed to meet a case where, instead of the usual two half-yearly rates, a local authority levies a single yearly rate or a rate overlapping the date (1st October, 1929) when derating is expressed to take effect. It secures the ratepayer whose assessment is reduced on that date against having to pay more than he would in the normal case; and Sub-clause (3) enables him to recover anything which he may have paid in excess of the sum so due.

Clause 64 provides the necessary machinery for the alteration of Valuation Lists after the appointed day, so as to secure the proper classification of hereditaments which become, or cease to be, agricultural, industrial or freight transport hereditaments after that date.

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*. Including by definition not merely meadows and pastures but woodlands and poultry farms and cottage gardens which exceed a minimum size.

Clause 66 provides that during the currency of the existing tenancy the landlord shall pay the tenant of industrial premises let at an inclusive rental, or allow him to deduct from his rent, sums equivalent to the 75 per cent. relief which the landlord, as ratepayer, will secure under the Bill in respect of the hereditament so far as it is used for industrial purposes.

(52) During the passage of the Rating and Valuation (Apportionment) Act, 1928, a promise was given that provision should be made for the assessment of houses and cottages occupied whether as tenants or otherwise, in connexion with agricultural land by persons engaged thereon, on the basis of their letting value as such and not on the basis of their letting value as ordinary dwelling-houses, which might be materially higher, thus preserving the principle laid down in the Agricultural Rates Act, 1896, which is to be repealed.

Clause 65 makes provision accordingly.

(53) Various general enactments fix the maximum amount of debt which different classes of local authorities may incur, the limits being based on the rateable or assessable value of their areas. Parliament has in fact relaxed the original limits by the exemption from them of loans for various services, and they will be rendered obsolete as a result of derating. In all the circumstances it is considered best to remove them altogether, and to rely for the future on other (and more effective) safeguards against extravagance, such as the sanctions for loans which have to be obtained from Parliament, or from the appropriate Government Department.

Clause 67 accordingly repeals all enactments imposing on local borrowing powers a limit based on rateable or assessable value.

(54) Derating will also affect the operation of existing Acts imposing on local authorities' expenditure for particular purposes* limits expressed in terms of the produce of a specified rate in the pound.

Clause 68 accordingly provides that the existing limits shall operate as if the specified poundage were increased by a third, and power is conferred on the Minister to make a further increase to meet exceptional cases.

(55) Under the Rating and Valuation Act, 1925, provision was made that every parish in a rating area should, on the alteration in the system of rating by which the district council became the rating unit, get the advantage of any credit balance, or make good any debit balance in its accounts. Though most of the adjustments have now been completed, in some areas where there are heavy debit balances the Minister has had to extend the time allowed for

* Such as advertisement or the provision of allotments.

making them good. An effect of derating would be to increase the poundage of the additional rate necessary to pay off balances outstanding. In view of the new Exchequer grants,

Clause 69 provides that, as regards any sums not discharged by the 1st April, 1930, the District Auditor may certify a reduced amount bearing the same ratio to the sum outstanding as the reduced rateable value bears to the unreduced rateable value at the appointed day.

(56) The rateable value of hereditaments has in the past been used in many areas as the basis for the levying of water rates and land drainage rates. In the case of industrial hereditaments the rateable value, which was formerly the same as net annual value, will be reduced by 75 per cent.

In the case of agricultural land and buildings the rateable value will disappear altogether.

Certain adjustments are therefore necessary in connexion with water rates where these are levied on the "rateable value," and with drainage rates which are levied in certain areas for the improvement or protection of land by means of flood-embankments, &c. In the first case, it is fair that water should continue to be paid for by the occupiers of derated properties on the same basis as other consumers where that is the case at present. In the second case, which mostly affects agricultural land, it is necessary to provide an alternative basis for raising these rates where they are now raised on rateable value, since agricultural land will cease to appear in the valuation list after derating.

Clause 70 accordingly substitutes net annual value for rateable value in existing enactments relating to the fixing of water rates, with a provision for the settlement of the basis of charge by Justices, in accordance with the procedure under the Waterworks Clauses Act, in cases where the required value is not to be found in the valuation list.

Clause 71 substitutes "annual value for income tax purposes," *i.e.*, the Schedule "A" assessments, for "value for rating purposes" in enactments relating to the fixing of drainage rates.

(57) Other amendments of existing enactments affected by derating included in this Part of the Bill are

Clauses 72 and 73, which make certain consequential provisions necessitated by the modification or disappearance from the valuation lists of values hitherto used in determining qualification for jury service and the franchise respectively.

(58) Under the Welsh Intermediate Education Act, 1889, a Treasury Grant is payable in aid of schools subject to schemes under that Act, limited for each County and County Borough to the amount

produced by a rate of one halfpenny in the pound. As the provisions of this Bill might otherwise materially affect the grant-limit, Clause 75 provides for its stabilization at the amount which was payable in the standard year. This is an education grant, and the Clause accordingly also provides that its administration shall be transferred from the Treasury to the Board of Education.

Under the Education Act, 1918, the Central Welsh Board for Intermediate Education have power to levy upon the Counties and County Boroughs yearly sums not exceeding in each case twenty-two and a half per cent. of the sum produced by a rate of one halfpenny in the pound for the preceding year. As this limit also might be affected by the provisions of the Bill, the principle of stabilisation is again applied.

PART VII.—PROPERTY LIABILITIES AND OFFICERS.

(59) The transfer of the Poor Law to the Councils of Counties and County Boroughs under Part I of the Bill makes it necessary to provide for the disposal of the assets and liabilities of the Poor Law Authorities. In view of the arrangements proposed for County Districts under the financial part of the scheme, it is thought sufficient to provide only for adjustments as between Counties and County Boroughs which contain parts of one existing union area. The new Poor Law Authorities will take over from each union within their own area the property of the Guardians, together with their liabilities.

Clause 105 with the Sixth Schedule accordingly provides for the transfer of the property and liabilities of Boards of Guardians to the Counties and County Boroughs which are their successors in function. Provision is made for adjustments in respect of property and liabilities, where the Councils concerned so desire, if the present Poor Law area is not wholly within a single County or County Borough. Provision is also made for joint user of institutions.

(60) A special question arises as regards the outstanding debts of certain Boards of Guardians due to prolonged local unemployment or the difficulties caused by the dispute in the coal trade in 1926. It is estimated that these debts will on the 1st of April, 1930, amount to £6,150,000 spread over 22 unions. It is proposed that, on the transfer of the loans to the Counties and County Boroughs, a generous settlement of the matter shall be made, so that the final liquidation of the loans can be secured without imposing hardship on the new authorities, and in the case of Counties, without the need for adjustment between areas in the Counties.

Clause 106 accordingly provides that no further interest shall be paid on loans of this kind owing to the Minister, and that the maximum period for repayment of the principal, which is now 10 years from the date of the loan, shall be extended to 15 years from the 1st April, 1930 (Sub-clause (1) (*b*)). Where such loans are owing to other creditors, the new authorities will receive a grant for 15 years equivalent to the interest that would have been excused if the loans had been owing to the Minister (Sub-clause (1) (*c*)). Where the annual charge for repayment would amount to more than a ninepenny rate after derating, the amount repayable will be reduced to the equivalent of a ninepenny rate (Sub-clause (1) (*d*)). Safeguards are provided against Guardians taking unfair advantage of these concessions before the date of transfer (Sub-clauses (1) (*e*), (2) and (3)).

(61) Boards of Guardians at present hold certain "parish" property, some of it dating back to the period before 1834 when the parish was the unit for Poor Law administration. They also have property and liabilities for the purposes of the Registration Acts.

Clause 107 accordingly provides for the transfer of "parish" property in urban areas, including London, to the Borough or District Council, and in rural areas to the Parish Council, or, in small parishes, the representative body of the parish, and gives the new authorities power to let or dispose of such property. [*See* also Schedule VII.]

Clause 108 provides for the transfer of property and liabilities held for the purposes of the Registration Acts to the appropriate County or County Borough Council.

(62) Provision is also necessary for the transfer to County Councils of assets (including land acquired for improving roads, unexpended balances of loans and sinking funds) and liabilities related to transferred roads.

Clause 109 accordingly provides for the transfer of these assets and liabilities to the County Council. (Land acquired for the improvement and development of frontages will remain the property of the District Council. Sub-clause (1) (*a*).)

Clause 110 provides that if an urban district council, which has not claimed to maintain any of the county roads within their district, or a rural district council so require, the county council is to take over at a valuation, in the case of an urban district any quarry with any fixed plant in the quarry, and in the case of a rural district any quarry, plant or materials belonging to the district council as highway authority, or (in the case of a rural district) any depots used by the district council exclusively in that capacity.

(63) In the case of the transfer of, and compensation to, Poor Law and highway officers, it has been decided to follow in general the precedent set in the case of officers similarly affected by the Rating and Valuation Act, 1925.

Clause 111 provides for the transfer of Poor Law officers to the appropriate County or County Borough Council. Where they are attached to a particular institution or district, they will pass into the service of the Council to which the institution or district is transferred. In other cases, if the union is divided up between one or more Councils, the Councils must agree, or failing agreement, the Minister must determine, to which Council any officer is to be transferred.

Clause 112 makes similar provision for the transfer of road officers of Rural District Councils to the appropriate County Council. Provision is however made for their retention by District Councils where, under Part III of the Bill, functions as

to any county roads are delegated to them, or for the joint user by both Councils of the services of officers.

Clause 113 safeguards the existing tenure of transferred officers and provides that they shall receive not less remuneration while performing similar duties.

Clause 114 safeguards the existing tenure of registration officers, and provides that for superannuation purposes they shall be deemed to be officers of the Council to which the registration functions relating to their district or sub-district are transferred under Part II of the Bill.

Clause 115 and Schedule VIII provide for the payment of compensation to officers of authorities from whom functions are transferred, including registrars of marriages and clerks of London assessment committees, who thereby suffer any direct pecuniary loss. This is defined so as to include an officer who, within five years, resigns because he is required to perform duties which are not analogous, or are an unreasonable addition, to his old duties, besides those whose appointments are determined or whose remuneration is reduced. These provisions are in accordance with precedent.

(64) The problem of the superannuation of transferred Poor Law officers presents certain complications. All these officers are covered by the Poor Law Officers' Superannuation Act, 1896, but, while many of the authorities to whom they will be transferred have adopted the Local Government and Other Officers' Superannuation Act, 1922, others have other superannuation schemes in operation, and others again have at present no scheme at all. Further, elementary school teachers employed by local authorities, but not those employed by Boards of Guardians, come within the Teachers' Superannuation Act, 1925. The position of the Acts of 1922 and 1896 were fully considered by a Departmental Committee, who reported in December, 1927 ("Report of the Departmental Committee on the Superannuation of Local Government Employees"—published by H.M. Stationery Office, price 2s.), and it has been decided to give effect to the recommendations of that Committee, so far as they are immediately relevant to the subject-matter of the present Bill. The following provisions have been discussed with representatives of the officers affected, who are now in agreement with what is proposed.

Clause 116, Sub-clauses (1), and (2) (*a*) and (*d*), accordingly provide that, where the new authority have adopted the Act of 1922, that Act shall (with necessary modifications) apply to transferred Poor Law officers instead of the Act of 1896, subject to the right of the officers, within three months of being transferred, to elect to remain under the Act of 1896, unless and until some statutory provision is made for the superannuation of all persons employed by the Council of Counties and County

Boroughs, not less favourable to them than the Act of 1922; the provisions of the Act of 1896 relating to joint appointments (*e.g.*, of a husband and wife who are master and matron of a workhouse) which do not appear in the Act of 1922 are specifically preserved in the case of Poor Law officers who transfer to the Act of 1922. Where the new authority have at present no superannuation scheme, the Act of 1896 shall continue to apply to transferred Poor Law officers.

Sub-clause (2) (*b*) provides that, where the new authority have some other superannuation scheme in force themselves, they are to submit for the Minister's approval a scheme for applying it to transferred officers, subject to the officers' rights to elect to remain under the Act of 1896.

Sub-clause (4) deals with the case of Poor Law officers who may after transfer become officers to whom the Asylum Officers Superannuation Act, 1909, applies.

Sub-clause (5) provides that Poor Law teachers who would, if they were serving in an elementary school, be covered by the Teachers' Superannuation Act, 1925, shall on transfer come under that Act instead of the Act of 1896.

(65) The case of transferred road officers is simpler than that of Poor Law officers, because, as regards superannuation, they are in the same position as other officers of local authorities, and no special Act is applicable to them.

Clause 117 accordingly provides that where the District Council from which a road officer is transferred has adopted the Act of 1922, and the officer is covered by that Act, on transfer to the County Council—

Sub-clause (1) (*a*): if the County Council has adopted the Act of 1922, he shall remain under that Act;

Sub-clause (1) (*b*); if the County Council have some other superannuation scheme in force, they shall submit for the Minister's approval a scheme for applying that Act to him;

Sub-clause (1) (*c*): if the County Council have no superannuation scheme, the Act of 1922 shall continue to apply to him.

(66) In case questions relating to the transfer of officers should arise,

Clause 118 gives the Minister power, on application by either of the parties concerned, to settle doubtful questions that arise about the transfer of officers.

PART VIII.—GENERAL.

(67) This Part of the Bill, together with Schedules IX, X and XII, contains a number of common form and machinery clauses making provision in regard to expenses and borrowing (Clause 120), provision for enquiries by the Minister's Inspectors and on behalf of the Secretary of State in connexion with the operation of Clause 48 (Clause 121), provisions as to Orders and schemes under the Bill (Clause 122), provision for transitional and temporary matters (Clause 124 (1) and Schedule IX) and provision for the adaptations and repeals in existing statutes necessitated by the Bill (Clause 124 (2) and Schedule X, Clause 129 and Schedule XII).

Clause 123 perhaps calls for special notice, as similar provisions in recent Acts, although following precedents set in numerous statutes dating back to 1888, have been severely criticized. The transfer of Poor Law functions and the abolition of existing Poor Law areas is certain to give rise to difficulties in exceptional cases, which cannot be fully covered by the Bill. It is impossible to anticipate every local and minor difficulty of this kind before it arises, and some machinery is necessary by which such difficulties may be resolved without recourse to Parliament. The common practice in such cases is to give the Minister power to remove difficulties by Order; and the limitation of the time within which these powers can be exercised and the requirement that any Order shall be laid before Parliament, who may pray that it be annulled, are safeguards against abuse.

Clause 123 (1) accordingly gives power to the Minister to remove difficulties by Order.

Under Sub-Clause (2) every such Order is to be laid before Parliament and by Sub-clause (3) of Clause 122 is to become void, if an Address against it is presented to His Majesty by either House within the next subsequent twenty-one days when that House has sat after the Order is laid.

Under the proviso to Sub-Clause (1) the power to make such Orders is to determine at the end of 1930.

(68) It is clearly desirable that authorities which are required to undertake new and complicated functions should have at their disposal all the information which can be given them by the bodies in whom those functions are at present vested. Accordingly under

Clause 119 it is the duty of every Poor Law Authority to furnish information required by the Council of a County or County Borough for the purposes of Part I of the Bill and of every District Council to furnish information to the County Council in connexion with the discharge of functions under Parts III and IV of the Bill.

(69) In response to representations made by the Local Authorities, the Government gave an undertaking to move an amendment to the Bill so as to secure that, in calculating the losses on account of rates for the purposes of the block grant, allowance should be made for all properties entitled to relief on 1st October, 1929, so long as the necessary claim for relief was made by the ratepayer at any time before 1st October, 1930.

Clause 125 accordingly provides that, for purposes of calculating the block grant, retrospective effect shall be given to any amendment about an agricultural, industrial or freight transport hereditament in a valuation list in force on 1st October, 1929, which is made as a result of proceedings begun before 1st October, 1930.

(70) The rating relief to be given to certain freight transport undertakings is to be passed on to the users through the medium of equivalent reductions in transport charges.

Clause 128 provides that occupiers of freight transport hereditaments (railways, dock and canals) shall make reductions in their charges corresponding to the relief from rates under Part V of the Bill. The clause also confirms the Eleventh Schedule, which contains details as to the manner in which the railway companies are to pass on their relief. (See Appendix, p. 56.)

(71) It has throughout been the Government's intention that the fixing of the new block grant should not prejudice the claim of local authorities to obtain further assistance from the Exchequer if future legislation were to impose substantial expenditure on new services. While it is of course impossible to bind future Parliaments, a clause has been inserted in the Bill to make this intention clear and to place it on record.

Clause 127 accordingly declares that it is the intention of the Act that provision for increased contributions from the Exchequer should be made if substantial additional expenditure is imposed on any class of local authority by reason of the institution of a new public health or other service after the commencement of the Act.

APPENDIX.

PART VI.—EXCHEQUER GRANTS AND OTHER FINANCIAL PROVISIONS.

1. The financial clauses of the Bill (Part VI) give effect to the proposals of the Government to complete the scheme of rating reform by the recasting of the relations between national and local taxation. With certain modifications and additions which were made shortly before the introduction of the Bill or during its passage through the House of Commons, the provisions now incorporated in this Part of the Bill follow the proposals outlined in Cmd. 3134 issued in June last.

2. Briefly the scheme provides for the discontinuance after 31st March, 1930, of certain grants at present paid in aid of local services and the payment to local authorities of an annual consolidated grant starting in 1930–31, which will take the place of the rate and grant income lost in consequence of the rating reform scheme and the discontinuance of the existing grants. As the derating scheme will operate as from 1st October, 1929, transitory provisions are also embodied in this Part of the Bill for the payment of a grant for the period 1st October, 1929, to 31st March, 1930, in place of the rate revenue which will be lost in that half-year.

THE GENERAL EXCHEQUER CONTRIBUTION.

3. The amount of the new grant, called the "General Exchequer Contribution," to be paid as from 1st April, 1930, in place of the existing rate and grant revenues is fixed by Clause 79. In any year it is composed of three amounts, namely:—

(*a*) An amount equal to the total losses on account of rates of all Counties and County Boroughs;

These losses as respects each County and County Borough are defined in Clause 126 as the losses calculated in accordance with the rules set out in Part I of the Fourth Schedule. Briefly they represent the aggregate of the estimated losses of rate revenue in the several rating areas within the County or County Borough calculated on the expenditure of the standard year (1928–9) on the assumption that the local government changes had been in operation and that the Valuation List of 1st October, 1929, had been in force;

(*b*) An amount equal to the total losses on account of the discontinued grants of all Counties and County Boroughs;

The amount of these losses, which are defined in Clause 126 as the losses calculated in accordance with the rules set out in Part II of the Fourth Schedule, is based on the amount of the grants payable for the standard year (1928–9);

(*c*) An additional amount which, for each year of the first three years, is fixed at five million pounds.

LOSS OF RATES.

4. The total losses on account of rates, calculated in the manner proposed on the expenditure of the standard year, can only be stated very approximately, as they will depend largely on the revaluations of property and the classifica-

tion of property now being made throughout the country. For the purpose of this memorandum they are estimated at £24,000,000.

DISCONTINUED GRANTS.

5. Of the present Exchequer Grants which are to be discontinued under Clause 78 (1) and the Second Schedule, some are payable through the Local Taxation Account for England and Wales and the Exchequer Contribution Accounts of the several Counties and County Boroughs, some are borne on the annual Votes of the Ministry of Health or Board of Control, and the remainder are met out of the Road Fund.

Local Taxation Account Grants.

6. * The grants passing through the Local Taxation Account with the estimated amounts for 1928–29 are :—

	£
(1) Estate Duty Grant, formerly Probate Duty Grant (Local Government Act, 1888, Sections 21 and 22, and Finance Act, 1894, Section 19)	5,100,000
Less sums payable to Cattle Pleuro-pneumonia Account and sums diverted from the Local Taxation Account for payments of rates on ecclesiastical tithe rentcharge and payments in lieu of tithe	400,000
	4,700,000
(2) Grants in respect of Local Taxation Licence Dnties passing through the Local Taxation Account :—	
(i) Liquor Licences (Finance (1909–10) Act, 1910, Section 88 (1))	1,805,000
(ii) Carriage Licences (Roads Act, 1920, Sections 1 and 2 (2))	537,000
(iii) Other Licences (Local Government Act, 1888, Section 20 and subsequent legislation)	292,000
(3) Local Taxation (Customs and Excise) Duties [Local Taxation (Customs and Excise) Act, 1890, and Revenue Act, 1911, Section 17 (1)]	1,107,000
(4) Grant in respect of cost of collection of Local Taxation Licences (Finance Act, 1908, Section 6, and Finance Act, 1921, Section 62)	60,000
	8,501,000
(5) Grants under the Agricultural Rates Acts :—	
(i) Agricultural Rates Act, 1896	1,320,000
(ii) Agricultural Rates Act, 1923	3,415,000
	£13,236,000

7. The revenues assigned in 1888 also included the Local Taxation Licence duties on licences for dogs, guns, armorial bearings and male servants, licences to deal in game and licences to kill game. These duties, which amounted in 1927–28 to approximately £1,476,000, have since 1908 been collected by local authorities. No change is proposed in these duties, which will continue to be collected and retained by local authorities for their own use. The whole of the other assigned duties will, however, be abolished as from 1st April, 1930, and will be replaced by the General Exchequer Contribution, except as regards the sums of £3,023,000 and £807,000 at present applicable out of the assigned revenues generally in pursuance of statutory requirements

* Owing to more correct estimates based on later and fuller information being available, the estimated amounts shown in this paragraph differ to some extent from the amounts shown in paragraph 6 of the Financial Memorandum attached to the Bill as originally introduced.

to purposes of police and higher education respectively. These sums will be replaced by a corresponding addition to the direct Exchequer grants for these services provided on the Votes for Police, England and Wales, and the Board of Education. The amount to be merged in the General Exchequer Contribution will, therefore, be approximately :—

	£	£
		13,236,000
Less ..	3,023,000	
	807,000	
		3,830,000
		£9,406,000

8. The abolition of the Assigned Revenues System necessitates fresh arrangements for meeting the cost of (*a*) cattle epidemics and (*b*) rates on ecclesiastical tithe rentcharge and payments in lieu of tithe. These new arrangements are set out in the Third Schedule, and explanatory notes thereon appear in paragraphs 60–63 of this memorandum.

Grants in Aid of certain Health Services.

9. * The Health grants to be discontinued, with their estimated amounts for 1928–9, are :—

	£	£
(i) † Grants for maternity and child welfare :—		
Payable to local authorities	847,000	
Payable to voluntary agencies	212,000	
		1,059,000
(ii) † Grants for the treatment of tuberculosis paid in England to local authorities and in Wales to the Welsh National Memorial Association :—		
Maintenance grants :—		
Payable to local authorities	1,666,000	
Payable to the Welsh National Memorial Association	108,000	
		1,774,000
(iii) Grants for the treatment of venereal diseases		311,000
(iv) Grants for the welfare of the blind		126,000
(v) Mental deficiency grants :—		
Payable to local authorities	616,000	
Payable to voluntary agencies	9,000	
		625,000
Total		£3,895,000

* Partly owing to more correct estimates being available based on later and fuller information and partly to the introduction during the passage of the Bill through the House of Commons of a new provision (Clause 100 (3)) which will have the effect in certain cases of increasing the amounts of grants which will be certified as paid or payable for the standard year, the estimated amounts shewn in this paragraph differ to some extent from those shewn in paragraph 9 of the Financial Memorandum attached to the Bill as originally introduced.

† The grants paid out of the Ministry of Health Vote in respect of the training of midwives and health visitors and certain outstanding capital grants made towards the cost of the provision of sanatoria are excluded from the operation of the scheme. The "special capital grant" payable to the Welsh National Memorial Association will, however, in accordance with Rule 5 (*b*) of Part II of the Fourth Schedule. be treated as a "discontinned grant" and the estimated amount payable on that account in the standard year is included in the sum of £108,000. This grant corresponds to that portion of the tnberculosis treatment grant which is paid to English local authorities in respect of loan charges.

Road Fund Grants.

10. The grants to be discontinued are the classification grants for Class I and Class II roads in London and County Boroughs and maintenance grants for unclassified roads in Counties. These grants for the year 1928–9 are estimated as follows :—

	£
* Classification grants for Class I and Class II roads in London and County Boroughs	1,604,000
Maintenance grants for unclassified roads in County Districts	1,575,000
	£3,179,000

11. The grants paid in respect of the maintenance and ordinary improvement of Class I and Class II roads outside London and County Boroughs will continue to be made from the Road Fund on a percentage basis. Grants will also continue to be made from the Road Fund on a percentage basis towards the cost of construction of new roads and bridges and of major improvements (generally speaking, improvements involving the acquisition of property) on all Class I and Class II roads and bridges (whether in provincial Counties, in London, or in County Boroughs), as also towards the cost of improvement of unclassified roads.

12. In determining the losses on account of these discontinued Road Fund Grants a special adjustment is to be made. From 1929–30 (the year following the standard year) the grant in respect of Class I roads will be increased from 50 per cent. to 60 per cent., and the grant in respect of Class II roads from 33⅓ per cent. to 50 per cent. As the Bill provides that classification grants for roads in London and County Boroughs are from 1st April, 1930, to be discontinued and merged in the General Exchequer Contribution, those areas would be at a disadvantage as compared with Counties outside London to whom the classification grants will continue to be given. The Bill in its passage through the House of Commons was amended therefore to provide (Rule 2 of Part II of the Fourth Schedule) that the losses on account of the discontinued road grants shall be calculated as if these classification grants had been paid in the standard year at the higher rates. The effect will be that the General Exchequer Contribution and the grants to every area concerned will be increased. It is not proposed, however, to make any corresponding reduction in the estimated expenditure of the standard year falling to be borne by rates.

Summary of Losses on account of Discontinued Grants.

13. The losses on account of the discontinued grants will thus be approximately :—

	£
Grants through the Local Taxation Account	†9,406,000
Grants in aid of :—	
Certain Health Services	†3,895,000
Certain Roads	†3,179,000
	16,480,000
say	£16,500,000

* Owing partly to more correct estimates being available based on later and fuller information and partly to the adjustment referred to in paragraph 12, the amounts shewn in this paragraph differ from those shewn in paragraph 10 of the Financial Memorandum attached to the Bill as originally introduced.

† These amounts differ from those shown in paragraphs 12 and 13 of the Financial Memorandum attached to the Bill as originally introduced for the reasons explained in the footnotes on page 40.

14. The total amount of the General Exchequer Contribution during each of the first three years beginning on 1st April, 1930, will amount, therefore, approximately to £45,500,000, made up as follows :—

	£
(1) The equivalent of the estimated total losses on account of rates	24,000,000
(2) The equivalent of the estimated losses on account of discontinued grants	*16,500,000
(3) Additional amount	5,000,000
Total	*£45,500,000

The Revision of the General Exchequer Contribution.

15. The amounts of the "total losses on account of rates" and of the "total losses on account of grants," as based on the figures of the standard year, and at present estimated, as stated above, at £24,000,000 and £16,500,000 respectively, will remain fixed for all time, but the additional amount (*i.e.* the amount corresponding to the sum of £5,000,000 shown in paragraph 14) for periods after the first period of three years is left to be determined hereafter by Parliament, subject however to a certain minimum. The period for which the "additional amount" will be determined is called a "fixed grant period." The first fixed grant period is, as stated, three years, the second period four years and the third and succeeding periods, five years.

16. The Bill as originally introduced provided for quinquennial grant periods throughout. The substitution of two periods of three and four years respectively for the first quinquennial period was made after consultation with the Associations of local authorities during the passage of the Bill through the House of Commons. As regards the additional amount to be determined by Parliament for the second and any subsequent fixed grant period it is proposed that it should be such that the proportion which the amount of the annual General Exchequer Contribution for that fixed grant period bears to the total amount of rate and grant-borne expenditure of the penultimate year of the preceding fixed grant period shall never be less than the proportion which the annual General Exchequer Contribution for the first fixed grant period bore to the total amount of rate and grant-borne expenditure of the first year of that fixed grant period (rate and grant-borne expenditure meaning, for this purpose, the total rate-borne expenditure increased by the amount of the General Exchequer Contribution). The provision in the Bill (Clause 79 (3) (*c*)) in this respect is generally more favourable to local authorities than the proposal on the subject explained in the White Paper (Cmd. 3134). It was there proposed that the ratio which should not be reduced was the ratio of the total of *all* Exchequer assistance in aid of local government to total rate-borne expenditure and not, as is now proposed, the ratio of the new general grant given under the present scheme (the General Exchequer Contribution) only to total expenditure.

17. The penultimate year of the preceding fixed grant period is taken as being the latest available year for the purpose of the calculation. In order, however, to exclude an increase of expenditure due to temporary abnormal causes, it is proposed that, if the amount of rate and grant-borne expenditure in the penultimate year of a fixed grant period was abnormally increased by reason of any emergency involving the issue of a Proclamation under the Emergency Powers Act, 1920, the last preceding year when no such abnormal expenditure was incurred shall be selected for the purpose of the basis of comparison.

18. The working of the arrangement explained in paragraph 16 may be illustrated by an example.

* These amounts differ from those shown in paragraphs 12 and 13 of the Financial Memorandum attached to the Bill as originally introduced for the reasons explained in the footnotes on page 40.

Assume that the General Exchequer Contribution in the first fixed grant period is £45 millions.

Assume that the total rate-borne expenditure in the first year of the first fixed grant period is £135 millions.

Assume that the total rate-borne expenditure in the penultimate year of the first fixed grant period is £139 millions.

Then the General Exchequer Contribution for the second fixed grant period would not be less than $\frac{45}{180} \times 184$ millions=£46 millions, i.e., an increase of £1 million.

Payment out of the Road Fund towards the General Exchequer Contribution.

19. Towards the moneys to be voted annually by Parliament for the purposes of the General Exchequer Contribution a sum will, under Clause 80, be charged against the Road Fund and applied as an appropriation-in-aid. This sum will be composed of :—

(1) An annual amount equal to the amount of the discontinued road grants in respect of the standard year (adjusted as explained in paragraph 12), estimated at £3,179,000 ; and

(2) A sum equivalent to eighty ninety-firsts of £3,000,000 in respect of the first fixed grant period and thereafter such sum as Parliament shall determine. The total sum of £3,000,000 is for Great Britain and eighty ninety-firsts is the due proportion for England and Wales.

20. Under the existing arrangements a fixed annual sum of £536,954 out of the proceeds of the Motor Licence Duties is withheld from the issues out of the Consolidated Fund to the Road Fund and paid into the Local Taxation account. It is proposed under subsection (2) that this sum should as from 1st April, 1930, no longer be diverted from the Road Fund, *i.e.*, that the proceeds of the Licence Duties should be paid to the Road Fund in full.

21. It is also proposed as part of the general arrangements affecting the Road Fund that in each of the two years from April, 1928, to March, 1930, the Road Fund should receive from the Consolidated Fund an additional sum of £536,954, the equivalent of the sums which will be diverted in these years from the Road Fund to the Local Taxation Account.

22. Under the proposed arrangements the net additional charge on the Road Fund on this account for England and Wales in each year of the first fixed grant period will, therefore, be £2,100,408, *i.e.* ($\frac{80}{91}$ of £3,000,000 (£2,637,362)−£536,954=£2,100,408).

THE ALLOCATION OF THE GENERAL EXCHEQUER CONTRIBUTION BETWEEN COUNTIES AND COUNTY BOROUGHS.

23. It is proposed that the whole of the General Exchequer Contribution shall eventually be allocated among Counties and County Boroughs on a basis which has regard solely to the needs of each area and to its ability to meet those needs. For this purpose there is to be calculated for each area a figure of " weighted " population for each fixed grant period which shall determine the share of that area in the total sum available. The formula for arriving at weighted population is laid down in Part III of the Fourth Schedule and is explained in paragraphs 77 to 79 of this memorandum.

24. In order, however, not to produce too sudden a change in the existing revenues of local authorities it is proposed that the General Exchequer Contribution shall for the first two fixed grant periods, *i.e.*, the first seven years be allocated only to the extent of approximately one-third according to weighted population, the remaining two-thirds being allocated in proportion to the revenues to be withdrawn. On each revision of the grant one-third of

the latter share is to be transferred to the basis of weighted population until the full scheme comes into operation in 1947.

25. In the first place the General Exchequer Contribution will, under Clause 79 (4), be apportioned among Counties and County Boroughs. For the first four fixed grant periods the grant allocated to each County and County Borough out of the General Exchequer Contribution ("the County and County Borough Apportionment") will be made up of (i) the "appropriate percentage" of its estimated losses on account of rates and discontinued grants of the standard year, and (ii) its share, under the formula, of the balance of the General Exchequer Contribution. The "appropriate percentage" is defined in Clause 126, and for the first two fixed grant periods it is 75 per cent., for the third fixed grant period 50 per cent., and for the fourth fixed grant period 25 per cent.

GENERAL EXCHEQUER GRANT TO COUNTY COUNCILS.

26. Out of the County Apportionment of any County will be deducted the amounts necessary to make grants to the Councils of non-county Boroughs, Urban Districts and Rural Districts within the County ("County Districts"), as explained in paras. 31 to 35 of this memorandum. The balance is, under Clause 81, to be paid to the County Council and will be "the General Exchequer Grant" of that County Council.

ADDITIONAL EXCHEQUER GRANTS TO COUNTIES.

27. The Bill provides (Clause 82) for the payment of "Additional Exchequer Grants" in the case of those Counties where the County Apportionment falls short of a certain amount. The basis of calculation of these additional grants is the "standard sum," which is defined as the loss on account of rates and grants of a County in the standard year, subject, however, to the condition that if at the first and subsequent revisions of grant assessments the needs (as expressed by weighted population) of a County have become less or the General Exchequer Contribution of the country as a whole has been reduced (*e.g.*, by reason of a general reduction of the total rate-borne expenditure), the standard sum is to be reduced correspondingly. For the first fixed grant period the County Apportionment will be made up to a minimum which is to be equal to the "standard sum" plus one shilling per head of the estimated population of the County for the standard year.

28. As regards the second and each subsequent fixed grant period provision is made by subsection (2) of Clause 82 to secure that each County will receive as a minimum grant the standard sum plus whichever is the greater of the two following amounts :—

(*a*) a sum equal to one shilling per head of the estimated population of the County in the last year of the preceding fixed grant period.

(*b*) a sum equal to one-third of the excess of the County Apportionment for that period over what the apportionment would have been if the General Exchequer Contribution of the first fixed grant period had not been increased.

29. In this way every County will be assured of receiving some share in any increase which may take place in the General Exchequer Contribution of the whole country. The White Paper (Cmd. 3134) and the Bill as originally introduced provided only for a minimum grant in the second and subsequent fixed grant periods, of an amount equivalent to the appropriate standard sum.

30. In order to make a fair comparison of the needs of a County in different fixed grant periods as expressed by its weighted population it is necessary (as provided in subsection (3)) to adjust the unemployment factor in the formula of weighted population. For this purpose it would not be sufficient to take merely the weighted population as calculated in accordance with Part III of the Fourth Schedule, because the multiple for the unemployment loading factor decreases in the third, fourth and fifth periods, owing to the total sum distri-

buted under the formula becoming larger and the sum distributed according to existing revenues becoming smaller at each revision of the General Exchequer Contribution. The circumstances of a County at any revision might be similar in all respects to those of the standard year, but the weighted population, if calculated according to the Schedule, with different unemployment multiples, would not be the same. For the purpose of comparing the weighted population at the second and subsequent revisions with the weighted population in the standard year provision is therefore made for the use of the same unemployment multiple.

GENERAL EXCHEQUER GRANTS TO COUNTY DISTRICTS.

31. As stated in paragraph 26 above, certain sums are, under Clauses 83, 84 and 85 of the Bill, set aside and deducted from each County Apportionment of the General Exchequer Contribution for payment to the Councils of County Districts.

These sums are :—

(*a*) a sum allocated under Clause 83 to the Council of each non-county Borough, Urban District and Rural District calculated in accordance with rules set out in Part IV of the Fourth Schedule (*see* paragraph 33) ;

(*b*) a sum allocated to each Rural District Council which suffers loss of special and parish rates of an amount equivalent to the appropriate percentage of that loss as provided in Clause 84 ; the " appropriate percentage " is 75 per cent. during the first and second fixed grant periods, 50 per cent. during the third and 25 per cent. during the fourth fixed grant period (*see* paragraph 34).

(*c*) a sum allocated to the Council of each non-county Borough, Urban District or Rural District carrying on maternity and child welfare work for its own area of an amount to be determined in accordance with a scheme to be made by the Minister as provided in Clause 85 (*see* paragraph 35).

32. The sums, *i.e.*, all the sums, so set aside and deducted from the County Apportionment are then increased or reduced under the arrangements provided in Clause 86, under which, with the aid of further Exchequer grants (" Supplementary Exchequer Grants "), changes in the incidence of rates are spread over 19 years as explained in paragraphs 36 to 39. The resulting sums are the General Exchequer Grants of the County Districts.

33. The rules set out in Part IV of the Fourth Schedule provide that the sum referred to in subparagraph (*a*) of paragraph 31 in the case of each non-county Borough and Urban District shall be at a uniform amount per head of estimated population (non-weighted) in the standard year and to each Rural District at one-fifth the uniform amount and that the uniform amount per head shall be determined by dividing one half of the aggregate of the County Apportionments of Counties other than London by the aggregate estimated population (non-weighted) of those Counties.

34. As regards special rates in parishes in Rural Districts and rates raised to meet expenses of parish councils and parish meetings it is proposed that ultimately the Rural Districts should look to the County Councils for the necessary financial assistance to enable the parishes to meet their special charges without the imposition of an excessive rate. But for the first nineteen years of the scheme, Rural Districts are to be secured a definite percentage of the loss of such rates based on the calculations of the standard year. In the first two fixed grant periods the Rural District will, under Clause 84 (1), out of the county apportionment receive 75 per cent. of this " loss," in the third 50 per cent., and in the fourth, 25 per cent. For the first and second fixed grant periods it will also receive *from the County Council* the remaining 25 per cent. ; so that for the first seven years the whole of the loss, as calculated on the expenditure of the standard year for the particular places in which there

was a loss in that year, will be made up to the Districts of which those places form part. After the first and second fixed grant periods the contribution to be made by the County Council is left for the determination of the Council according to the circumstances of the several Districts from time to time.

35. The administration of maternity and child welfare is not confined to the County Councils and County Boroughs as in the case of the other principal grant-aided public health services. In approximately 250 cases the service is administered by the Councils of County Districts. Special arrangements are therefore necessary to ensure that for the benefit of those Councils who will continue to administer a maternity and child welfare service an appropriate sum in respect of that service is set aside from the County Apportionment in addition to the amounts which all Districts will receive from the County Apportionment on a population basis under Clause 83 (1). Clause 85 provides for a scheme to be made in these cases by the Minister in consultation with the County Council and Borough and District Councils to effect this. (*See*, in this connexion, paragraph 52, dealing with the position of voluntary associations receiving grants for this work.)

ADJUSTMENTS OF GAINS AND LOSSES OF COUNTY DISTRICTS AND PAYMENT OF SUPPLEMENTARY EXCHEQUER GRANT.

36. Special arrangements are proposed (Clause 86) under which no separately rated area in any County will on the calculations of the standard year suffer an increase of rate by reason of the scheme during the first five years of its operation and the necessary rate adjustment consequent on the scheme will be spread gradually over the following fourteen years.

37. If the calculations based on the expenditure of the standard year according to the rules set out in the Fifth Schedule show that any area would suffer a loss due to the operation of Parts I, III, V and VI of the Bill, the General Exchequer Grant otherwise payable to the District in which the area is situate, will be increased for the first five years of the scheme by the whole amount of the loss. In each of the succeeding fourteen years this addition to the General Exchequer Grant will be reduced by one-fifteenth. The White Paper (Cmd. 3134) and the Bill as originally introduced provided for the grant being increased by the full amount of the loss for the first year of the scheme only and for the reduction of one-fifteenth starting with the second year.

38. The additions so made for each of the first nineteen years will not however, be deducted from the County Apportionment, but will be met—

(*a*) as to one-half by a "Supplementary Exchequer Grant," and

(*b*) as to the other half by deducting from the General Exchequer Grant otherwise payable to those Districts of the County containing areas for which gains are shown sums proportionate to the gains. If in any District the appropriate deduction exceeds the population grant allocated to the District (*see* paragraph 33) the excess will be added to and form part of the Supplementary Exchequer Grant, so that no District shall give up out of its gains more than the amount of its population grant.

39. In the case of a District containing two or more separately rated areas in one or more of which a loss is shown, the grant paid to the Council of the District must not be applied in uniform reduction of rates over the whole District, or the object of the clause would be defeated. In this connection it will be necessary to provide that the areas which lose shall be credited in the accounts of the Council with the appropriate amounts of grant, leaving only the balance to be credited to the District as a whole. Clause 86 (1) (*d*) provides that the necessary accounting provisions shall be prescribed by regulations.

COUNTY BOROUGH GRANTS.

General Exchequer Grant.

40. Clauses 87, 88 and 89 of the Bill contain the provisions specially relating to County Boroughs. In a County Borough, unlike a County, there are no Districts with separate Councils of their own, and consequently no sums are required to be set aside out of the County Borough Apportionment. Accordingly the whole of the County Borough Apportionment of the General Exchequer Contribution will be paid to the County Borough as the General Exchequer Grant of the County Borough.

Additional Exchequer Grant.

41. As in the case of the County it is provided (Clause 88), that there shall be a certain minimum annual grant for each fixed grant period, and that where the apportioned share of the County Borough in the General Exchequer Contribution is below this minimum, the deficit shall be made good by the "Additional Exchequer Grant."

42. In the case of a County the loss on account of rates and grants calculated on the expenditure of the standard year (the "standard sum") is taken as the basis for determining the minimum grant; in the case of a County Borough special provision is necessary to meet the position which will arise out of the transfer of Poor Law functions from Unions which comprise more than one County Borough or are partly in a County Borough and partly in a County.

43. The minimum annual grant to be guaranteed in the case of County Boroughs, as in the case of Counties, will, for the first fixed grant period, be the "standard sum" increased by a sum equivalent to 1s. per head of the population, but the standard sum in the case of County Boroughs will be the County Borough Apportionment increased or reduced by the estimated loss or gain due to the operation of Parts I, V and VI of the Bill as shown by the calculations for the standard year. In any subsequent fixed grant period the standard sum will, also, as in the case of Counties, be subject to reduction if there is a decrease in the weighted population of the County Borough or a reduction of the total grants to the country and the minimum annual grant to the County Borough for that period will be the appropriate standard sum plus the greater of the two sums arrived at as explained in paragraph 28, *i.e.*, a sum equal to one shilling per head of estimated population or a sum equal to one-third of the increase of the County Borough Apportionment which arises out of the increase of the General Exchequer Contribution.

Supplementary Exchequer Grant.

44. Clause 89 provides for the adjustment of losses and gains of separately rated parts of County Boroughs and the payment of Supplementary Exchequer Grants in certain cases. The provision will operate chiefly in those Boroughs which are at present in more than one Poor Law Union. The Clause follows the corresponding provision (Clause 86) for Counties except that, in the case of the County Borough, it is necessary, in order to avoid double grant on account of losses, to deduct from the Supplementary Grant which would otherwise be payable the Additional Exchequer Grant (provided by Clause 86) which takes into account losses under the scheme of the County Borough as a whole.

Clause 89 (1) (*c*) corresponds with Clause 86 (1) (*d*) and is necessary for the reasons explained in paragraph 39.

GRANTS TO THE COUNTY OF LONDON, TO THE CITY OF LONDON AND TO METROPOLITAN BOROUGHS.

45. The special and distinctive features in the local government organization and administration of London necessitate certain modifications in the scheme as applied to that area. These are set out in Clauses 90, 91, and 92.

46. The City of London and the Metropolitan Boroughs are not treated as County Districts outside London are treated under Clause 83 (*i.e.*, they are not given the capitation grants provided for in that Clause), but each of them is, for the purpose of calculating its share of the County Apportionment treated as if it were a County Borough entitled to receive the grant appropriate to a County Borough, having regard to its Council's loss of rates and grants and its weighted population, subject, however, to two modifications :

(i) the money factor which is applied to the weighted population is taken at one-third only of the money factor applicable under Clause 79 (4) (*b*) in the case of County Boroughs ; and
(ii) the weighted population is not, as in the case of County Boroughs, increased by the unemployment factor.

47. The reason for the difference in treatment between the Councils of Boroughs in London and the Councils of Boroughs in other administrative Counties is that the functions of these two classes of Councils are different. Metropolitan Borough Councils are, in regard to the size of the populations served by them, more nearly analogous to County Borough Councils than to non-county Borough Councils or Urban District Councils. Unlike County Borough Councils, however, they are not responsible for the Education service, and they will not be responsible for the Poor Law service. Hence the reduction in the money factor and the omission of the unemployment factor from the weighted population.

48. In view of the large measure of rating equalization which is involved in the transfer of Poor Law functions from the existing Unions to the County as a whole, the Bill (Clause 90 (4)) provides that the London (Equalisation of Rates) Act, 1894, shall cease to have effect as from the date of the full operation of the new scheme, *i.e.*, from the 1st April, 1930.

49. The additional grants in the case of London will be calculated in precisely the same manner as in the case of the Counties. The same general procedure as to adjustments of gains and losses of separately rated parts of London is followed as in the case of other Counties or County Boroughs, but the adjustments necessary as between the separately rated areas in London, instead of being dealt with by deduction from, or addition to, the capitation grants of each District, are to be made (Clause 92) by the London County Council in connection with the levying by them of their rate for general County purposes. It is possible to adopt this relatively simple plan in the case of London because the number of rating areas involved in the consequential differential rating is comparatively small ; in most of the other Counties the number will be large. Moreover, this arrangement is necessary because the gains of certain Boroughs due to the transfer of Poor Law to the County as a whole are so much larger than the grants payable to them under the scheme that it would not be possible to recover from the grant alone the sums necessary to make good half the losses of the other Boroughs.

50. As a necessary consequence the Supplementary Exchequer Grant will be paid to the London County Council and not to the Councils of the several Boroughs in the County ; the Supplementary Grant must necessarily go to the authority charged with the duty of making the adjustments, viz., in London, the County Council, and in other Counties the Councils of the County Districts.

CONTRIBUTIONS TO VOLUNTARY ASSOCIATIONS.

51. Provision is made in Clauses 93 and 94 of the Bill for the continuance of financial assistance, through the local authorities, towards the cost of the services rendered by voluntary associations for maternity and child welfare, the care of mental defectives, the treatment of tuberculosis, and the welfare

of the blind, the present grants for which are included among the health grants to be discontinued under Clause 78 and the Second Schednle.

52. In the case of maternity and child welfare voluntary associations, Clause 93 provides that each County (other than London) or County Borough Council shall, before the commencement of each fixed grant period, submit a scheme for the approval of the Minister providing for the payment during the period of annual contributions to the associations providing maternity and child welfare services in or for the benefit of the area. In those cases where the maternity and child welfare authority is the Council of the County District, the scheme will determine to what extent contributions should be made to associations by that Council, and where the scheme so provides the Council of the District will submit to the Minister its own scheme for dealing with the payment.

In the case of associations which were immediately before 1st April, 1930, associations approved by the Minister, the contribution by a Council under any scheme is not to be less than such sum as may be determined by the Minister. This provision will enable the Minister to secure that associations at present receiving grants direct from the Exchequer shall not be prejudiced.

The special character of the London area necessitates a slight modification of these arrangements, and the Clause accordingly provides that in the case of London the Minister, after consultation with the Councils concerned (*i.e.*, the London County Council, the Common Council of the City of London and the Councils of the Metropolitan Boroughs), shall before the beginning of each fixed grant period make a scheme determining how the responsibility for the supervision of and payment of contributions to the associations shall be divided between those authorities.

53. Special provision is made in Sub-section (5) of this Clause (introduced during the passage of the Bill through the House of Commons) enabling the Minister, if he deems it desirable after considering in consultation with the local authority any representation made by a voluntary association proposing to provide or to extend maternity and child welfare services subject to contributions or increased contributions being made to the association, to alter at any time during a fixed grant period the scheme which has been made by the local authority and approved by him so as to provide for such contributions, or increased contributions, being made. This provision applies specifically to authorities outside London. As stated in the preceding paragraph, in the case of London the scheme is made not by the local authority but by the Minister and, if an amendment to the scheme with a view to providing new or increased contributions to voluntary associations during a fixed grant period appears to him to be desirable he will have power to make the amendment nnder Clause 122.

54. Clause 94 provides for arrangements being made under schemes to be made by the Minister before the beginning of each fixed grant period for the payment of contributions by County Councils and County Borough Councils to voluntary associations carrying on services in their respective areas for the welfare of the blind and for the care of mental defectives. It also provides that in the case of the Welsh National Memorial Association (which is the only voluntary body at present receiving a direct grant from the Minister in respect of the treatment of tuberculosis) a scheme shall be made by the Minister after consultation with the Councils concerned for the payment to the Association of contributions of specified amount by the Welsh County and County Borough Councils. As in the case of the London maternity and child welfare scheme referred to in paragraphs 52 and 53, the Minister will have power under Clause 122 to alter at any time during a fixed grant period a scheme made under Clause 94 so as to provide for new or increased contributions to voluntary associations providing or extending services.

Summary of Exchequer Grants.

55. For each year of the first fixed grant period, the annual grants under the scheme are estimated as follows:—

	£
General Exchequer Contribution	45,500,000
Additional Exchequer Grants	650,000
Supplementary Exchequer Grants	1,680,000
	£47,830,000
Deducting the estimated total of discontinued grants to be merged in the new grants	16,500,000
Gives the net additional cost	£31,330,000

56. For each subsequent fixed grant period, the General Exchequer Contribution will be revised in the light of the total rate and grant borne expenditure of the country, and the Additional Exchequer Grants will be recalculated. The Supplementary Exchequer Grants will not be recalculated, but after remaining constant for the first five years of the scheme will be thereafter reduced by a fixed amount of one-fifteenth (£112,000) each year.

57. On the assumption that there is no change in the relative distribution of weighted population, and that the General Exchequer Contribution has increased to about £52,000,000 by the time that the Supplementary Exchequer Grants have ceased, it is estimated that the Additional Exchequer Grants would then amount to about £1,400,000 per annum.

Grant for Transitory Period.

58. It is estimated that the grant payable under Clause 104 (2) of the Bill on acconnt of loss of rates for the period 1st October, 1929, when the derating proposals come into operation, until 31st March, 1930, after which date the new financial scheme takes effect, will amount to £12,000,000. (*See* paragraphs 74–76 relating to this Clause.)

Mitigation of Liability for Temporary Loans.

59. A further liability is thrown upon the Exchequer by the arrangements provided in Clause 106 of the Bill under which the liability of Counties and County Boroughs, in respect of loans raised by Poor Law authorities for current expenses, will be reduced. It is estimated that—

(1) the loss to the Exchequer of the interest due on the outstanding loans, repayment of which is to be spread over 15 years from 1st April, 1930, would amount to £178,000 a year for 15 years;
(2) the annual grant to those authorities whose loans are owing to persons other than the Minister will amount to £6,000 a year for 15 years;
(3) the loss to the Exchequer by the writing down of the principal of the loans in certain cases would amount to *£50,000 a year for 15 years.

Payments to Cattle Pleuro-pneumonia Account.

60. Certain expenditure in connexion with the stamping out of epidemics and diseases in cattle is charged on the Cattle Pleuro-pneumonia Account of Great Britain, of which one of the principal sources of income is moneys voted for the purpose by Parliament. A limit is, however, imposed by the Diseases of Animals Act, 1894, on the amount that may be so voted in any year. The certified deficiency on this Account in any year is made good under

* This figure allows for the effect of the amendment incorporated into the Bill during its passage through the House of Commons which will reduce the maximum rate in the pound required to provide for loan repayment from one shilling (as originally proposed) to ninepence.

that Act partly out of the Local Taxation Account for England and Wales and partly out of the separate Local Taxation Account for Scotland. As these Local Taxation Accounts are to be abolished under this Bill and the corresponding Scottish Bill, it is proposed (*see* the first paragraph of the Third Schedule) to repeal the limit imposed by the Act of 1894 on the amount of money that may be voted for this purpose, and to provide that any deficit in the Cattle Pleuro-pneumonia Account shall, without limit, be met out of voted moneys. Provision is also made under paragraph 1 (2) of the Third Schedule for temporary advances to the Cattle Pleuro-pneumonia Account out of the Consolidated Fund, subject to repayment out of voted moneys within the year in which the advances are made.

61. The amount of the liability thus provided for depends on the incidence of disease. The amounts transferred year by year during the past three years from the Local Taxation Account for England and Wales to the Cattle Pleuro-pneumonia Account have ranged from £105,000 to nearly £200,000. As the equivalent of the expenditure under this head in the standard year will not be included in the losses on account of discontinued grants, this provision will only involve an additional charge on the Exchequer if in any year the net expenditure falling on the Account exceeds that in the standard year.

Payments in respect of Rates on Tithe Rentcharge.

62. Under the Tithe Act, 1925, the whole of the rates on tithe rentcharge vested in Queen Anne's Bounty by that Act, being tithe rentcharge formerly attached to benefices, is payable by the Commissioners of Inland Revenue and charged on the Consolidated Fund. Towards meeting this liability the Commissioners receive from Queen Anne's Bounty a sum equal to five per cent. of the nominal value of the tithe rentcharge vested in them. There is also payable to the Commissioners, out of moneys which would otherwise be payable to the Local Taxation Account, the amount which under the Tithe Rentcharge (Rates) Act, 1899, would have been payable by them in respect of the tithe rentcharge vested in Queen Anne's Bounty, viz., one half of the rates thereon. The latter sum will no longer be available, as no money will be payable to the Local Taxation Account. All that is necessary, therefore, in this case is to repeal Section 7 (3) of the Tithe Act, 1925.

In addition to the tithe rentcharge vested in Queen Anne's Bounty, half the rates on the tithe rentcharge vested in the Welsh Church Commissioners, and, in a few exceptional cases, in other persons, are at present payable under the Tithe Rentcharge (Rates) Act, 1899, by the Commissioners of Inland Revenue out of moneys which would otherwise be payable into the Local Taxation Account. As there will cease to be any moneys payable to the Local Taxation Account, it is necessary to provide for the continuance of those payments and provision for that purpose is made by paragraph 2 of the Third Schedule.

63. The amounts diverted from the Local Taxation Account under the Acts referred to have, during the past three years, amounted to approximately £400,000 per annum, of which some £30,000 relates to Wales. As the equivalent of these sums will not be included in the losses on account of the discontinued grants for the purpose of the General Exchequer Contribution, the alterations indicated in the two preceding paragraphs will not involve any additional charge on the Exchequer unless the liability, on account of rates in respect of this tithe rentcharge and these payments in lieu of tithe, increases.

Preliminary and incidental expenses.

64. The expenses of the Ministry of Health incidental to the introduction of the scheme are estimated at approximately £50,000.

It is not anticipated that the provisions of Clauses 24, 75 (1), 81 (proviso), 116 (5), or paragraph 15 of the Tenth Schedule will throw any appreciable additional burden on the Exchequer.

MISCELLANEOUS PROVISIONS.

Power to reduce Grants on Failure of Administration.

65. It was stated in the White Paper (Cmd. 3134), paragraph 16, page 13, that two essential factors in a proper system of financial relationship between the Exchequer and local authorities are (1) to permit to local authorities the greatest freedom of local administration and initiative, and (2) to provide for sufficient general control and advice from the central departments to ensure a reasonable standard of performance.

66. Clause 96 sets out the manner in which it is proposed to deal with this matter. The effect of the clause is that, subject to a report to Parliament, the Minister may reduce the grant to an authority if he is satisfied either upon representations made to him by any association or other body of persons experienced or interested in matters relating to public health or otherwise that (1) they have failed to achieve or maintain a reasonable standard of efficiency and progress in the discharge of their functions relating to public health services (which expressly include services relating to maternity and child welfare, lunacy and mental deficiency and the welfare of the blind) and that the health of all or some of the inhabitants has been or is likely to be thereby endangered, or (2) that an authority has incurred expenditure excessive or unreasonable, regard being had to the financial and other circumstances of the area. Grant may also be reduced if the Minister of Transport certifies that the roads, or any part of the roads, of a Council have not been maintained in a satisfactory condition.

Application of Exchequer Grants to general County Purposes.

67. A County Council will normally levy a rate for general County purposes, chargeable uniformly over the whole of the County, and special rates for special County purposes (*e.g.*, for police and elementary education), from which non-county Boroughs maintaining their own police forces and non-county Boroughs and Urban Districts maintaining their own elementary education services, as the case may be, will be exempt. Clause 97 prevents the Exchequer grants paid under the Bill from being applied in relief of rates for such special purposes.

Power of Minister to pay Council's contributions to voluntary associations out of sums payable as General Exchequer Grant.

68. In some cases a Voluntary Association carrying out a public health service (including services relating to maternity and child welfare, lunacy and mental deficiency and the welfare of the blind) acts for an area covering a large number of authorities. Some such associations cover the whole country. In such cases the association would frequently, unless some special arrangement were made, have to collect comparatively small sums from a large number of authorities. In order, principally, to obviate this difficulty a new clause (98) was introduced into the Bill during its passage through the House of Commons authorising the Minister, on application being made to him by the Council concerned, to pay the Council's contribution directly to the association out of the Council's General Exchequer Grant, deducting it from the amount actually paid to the Council. This will apply not only to voluntary associations who are working under schemes made under Clauses 93 and 94 of the Bill, but to any Association (*e.g.*, central public health propaganda associations) to whom the Councils may properly make contributions in respect of these services.

Contributions in lieu of Rates in respect of Government Property.

69. Clause 99 of the Bill deals with the position of Crown property which is not rateable but in respect of which the Government pays contributions in lieu of rates. The Clause contains the necessary provisions for treating that property, for the purpose of the calculation of "loss of rates,"

as if it were ordinary rateable property, and as if the contributions made in lieu of rates in respect of it were receipts from rates.

Continuance of Contributions by County and County Borough Councils towards Salaries of Medical Officers of Health, etc.

70. Paragraph 3 of the Third Schedule provides for the continuance of the payments at present made under Section 24 (2) (*c*) of the Local Government Act, 1888, by (1) a County Council to local authorities within the County of half the salaries of certain medical officers of health and sanitary inspectors, and (2) County Borough Councils towards the salaries of medical officers of Port Sanitary Authorities. These payments are at present made out of the Council's Exchequer Contribution Account, into which the payments from the Local Taxation Account pass. The Local Taxation Account is being abolished by the Bill, and with it the Exchequer Contribution Accounts. The payments will in future be required to be made, on the same conditions as at present, out of the County Fund into which the new General Exchequer Grant will be paid. Paragraph 4 of the same Schedule provides for the continuance of payments by County and County Borough Councils to public vaccinators corresponding with those which they have hitherto been required to make under Section 24 (2) (*a*) of the Local Government Act, 1888.

Investigation of Working Rules.

71. During the passage of the Bill through the House of Commons a new Clause (102) was introduced providing that before the expiration of the second fixed grant period the Minister shall, in consultation with local authorities, cause an investigation to be made into the working of the rules contained in Parts III and IV of the Fourth Schedule of the Act (*i.e.*, the rules for determining weighted population and for calculating the sums to be allocated on the population basis to County Districts), and of the provisions of Clause 90 (1) (*b*) (*i.e.*, those relating to the grant based on population to the City of London and the Metropolitan Boroughs). The clause also provides that the result of the investigation shall be reported to Parliament.

TRANSITORY PROVISIONS.

Alteration of Authorities or Boundaries before 1st April, 1930: Adjustment of Grant.

72. Clause 103 provides for the adjustments in grant calculation which would be necessary in consequence of any changes in local government areas or local authorities either during the standard year or between the end of the standard year and the 1st April, 1930, when the new grants become payable.

73. Adjustments of grants necessary in consequence of changes of areas or authorities after the grants have been fixed and have become payable will be made in accordance with prescribed rules as provided by Clause 100 (1) (*b*), but it would be difficult to prescribe in advance the basis of the adjustments to be made in the calculations of the standard year for changes which take place during that year and it is, therefore, proposed that as regards changes which take place before the 1st April, 1930, when the grants become payable, the Minister should make such equitable adjustments as the circumstances of each case require.

Rate Levying and Payment for loss of Rates in half-year to 31st March, 1930.

74. Clause 104 provides for (1) the precepting and levying of rates and (2) the payment of grant for the half-year 1st October, 1929 to 31st March, 1930. During this period the derating provisions of the Bill will be in operation, but the provisions as to local government changes and the new grant system will not be in operation. It is proposed therefore that payment

should be made to the rating authorities (and not to the spending authorities) of the deficiency in rate collection during the period 1st October, 1929, to 31st March, 1930, due to the derating provisions of the Bill.

75. Subsection (1) provides for precepts to be made by precepting authorities and rates to be levied by rating authorities for the half-year ending 31st March, 1930, as if no derating had taken place. The deficiency for this half-year in the collection of rates due to derating will be made good by the grant which will for all purposes be treated as rates.

76. Subsection (2) provides for the payment of grant on account of rate deficiency due to derating. The proviso to the subsection is required in order to safeguard the Exchequer against over-payments due to inflation of the rate.

The Formula of Weighted Population described.

77. The rules in Part III of the Fourth Schedule for determining the weighted population provide that the basic factor of the calculation, namely, the estimated population of each County or County Borough in the standard year (or, after the first fixed grant period, the year prior to the beginning of each fixed-grant period) shall be increased with reference to four further factors, viz. :—

(1) The proportion of children under five years of age to the population;
(2) The rateable value per head;
(3) The proportion of unemployed insured men plus 10 per cent. of the unemployed insured women to the population;
(4) The population per mile of public roads.

78. The first two of these factors are applicable to every County and County Borough. They have been adopted, as providing, in combination with population as proposed, an index of general needs and relative wealth and poverty. The third factor is only brought into operation as a further index of the need for assistance where the unemployment is abnormal. The last factor, which is applicable only to administrative Counties other than London, has been adopted as a measure of the spread of the population over large areas.

79. The method of employing these factors is briefly as follows :—

(1) The population is increased in the proportion by which the number of children under 5 years of age per 1,000 population exceeds 50. Thus, if the number is 80, the population is increased by the proportion which 30 bears to 50, *i.e.*, by 60 per cent. Fifty has been adopted as representing with few exceptions the minimum proportion of children found in any area.
(2) For the rateable value, the datum line is fixed at £10 per head (the rateable value for this purpose is the reduced rateable value as it will be after October, 1929). Where in any County or County Borough the estimated average rateable value per head is less than £10, the estimated population is increased in proportion to the deficit below £10. Thus a town with a reduced rateable value of £6·3 per head will have an addition of 37 per cent. made to its population. As in the case of the children factor, the datum level of £10 has been adopted as being near the limit of the range and so providing the loading in the great majority of cases. This factor and the former one both operate separately on the estimated population ; that is the population is not first increased in the example taken by 60 per cent. on account of children and the result further increased by 37 per cent. on account of rateable value, but the original figure is increased by 97 (*i.e.*, 60 + 37) per cent.

(3) As already explained, the loading for unemployment operates only where unemployment is abnormal, the datum line for this purpose being the ratio of unemployed insured men, plus 10 per cent. of the unemployed insured women*, to total population of 1·5 per cent.

This factor, as also the one which follows, is intended to operate on the population as increased by the two factors mentioned above, the reason for this cumulative operation of the factors being that for a given degree of unemployment or sparseness of population a larger increase of grant should be given the poorer the area. The mere numerical excess of this factor above 1·5 per cent. would not provide a greater loading in extreme cases than about 8 or 9 per cent., and it is, therefore, proposed that the loading to be adopted in this case should be a multiple of the excess over 1½. During the first two fixed grant periods when only about one-third of the money will be distributed according to formula, it is proposed that this multiple should be 10. Thus, with an unemployment percentage of 5·7, the loading would be $10 \times (5{\cdot}7 - 1{\cdot}5) = 42$ per cent. When, however, a greater proportion of the General Exchequer Contribution comes to be distributed under the formula, the multiple of 10 will be reduced in the same ratio as the increase in this proportion. Thus, if during the first two fixed grant periods, 32 per cent. of the grant is distributed on the formula and at a subsequent quinquennial revision this percentage is increased to 79 per cent., Rule 5 would provide for the adoption on that subsequent revision of the multiple $\frac{10 \times 32}{79}$ in place of 10, and for an eventual multiple after 1945 of $\frac{10 \times 32}{100} = 3{\cdot}2$.

(4) The fourth or "density" factor, which applies only to Counties outside London, is the population per mile of public road. It is expressed in two parts because the loading follows a different mathematical curve according as the proportion is more or less than 100 people per mile of road. Where the number is less than 100, the population, as increased by the children and rateable value factors, is raised by the percentage deficiency below 200. Thus, in a County with 72 persons per mile of road, the deficiency is 128 (=64 per cent. of 200), and the loading is, therefore, 64 per cent. Were the same principle of loading carried above the figure of 100, it would rapidly decrease as the population grew, and would provide no loading at all for Counties with more than 200 persons per mile of road. It is proposed, therefore, that above the level of 100 persons per mile of road, the loading factor should be expressed as the ratio of 50 to the number of persons per mile of road. Thus, with a population per mile of road of 400, the loading would be $\frac{50}{400} = \frac{1}{8} = 12\frac{1}{2}$ per cent. Were this basis applied to Counties with very sparse population the loading would reach an excessive figure. At the figure of 100, the loading is $\frac{50}{100}$, or 50 per cent., which is the same as the percentage deficit of 100 below 200. Thus both factors give the same result at this point.

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* The inclusion of 10 per cent. of unemployed insured women was adopted during the passage of the Bill through the House of Commons.

ELEVENTH SCHEDULE.—REBATES ON SELECTED TRAFFICS.

This schedule applies to all railway and light railway undertakings which carry public merchandise traffic by goods train. These railway companies are to pay their relief into a fund called the " Railway Freight Rebates Fund." They are to submit jointly to the Railway Rates Tribunal on or before 1st June, 1929, a scheme providing for the allowance of rebates from carriage charges on certain selected traffics named in Parts II, III and IV of the Schedule. The selected traffics are divided into three groups, agricultural, coal and other industrial traffics, and the amount available in the fund is to be divided between the three groups in the proportions of 20 per cent., 70 per cent. and 10 per cent. respectively. The amounts of the rebates will be fixed by the Railway Rates Tribunal, and will be allowed to traders by the Railway Companies, who will recover the amounts so allowed from the fund. Provision is made for an annual review of the rates of rebates by the Tribunal and for modification in certain specified circumstances. If the cost of the rebates exceeds the amount available in the fund the Railway Companies will make good the deficiency to the extent of half, while the remaining half will be found from a contingency reserve to be set aside in the fund, or if that is insufficient, from future revenues of the fund. The accounts of the fund will be audited by an auditor appointed by the Minister of Transport, to whom abstracts of the accounts will be furnished.

The selected traffics are set out in extenso in the Schedule. The agricultural selected traffics consist of manures and feeding stuffs for livestock or poultry used in Great Britain, potatoes (other than new potatoes), milk and livestock. The selected coal (which includes coke and patent fuel) traffics are limited to coal for export or for bunkering foreign going or fishing vessels and coal for iron or steel works engaged in the more primary operations of the iron and steel trade. The other industrial selected traffics consist of iron ores, lime and limestone for iron or steel works and pit props.

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